



**Compilation of Government Reactions to the
UN International Law Commission's Work on Crimes Against Humanity
2013-2020**

**Prepared by the
Whitney R. Harris World Law Institute
Washington University School of Law**

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WORLD LAW INSTITUTE**

CrimesAgainstHumanity.wustl.edu

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INTRODUCTORY NOTE

This document is a compilation of government reactions to the International Law Commission’s Project on crimes against humanity during seven sessions of the United Nations General Assembly Sixth Committee (68th, 69th, 70th, 71st, 72nd, 73rd, 74th, and 75th) as well as written comments submitted by governments to the ILC in 2018. The comments have been taken from country statements found on the United Nation’s website. A link for each full statement has been provided in the Compilation Report. Government reactions have been grouped into the following five categories:

Code	Description
Strong Positive	Emphatic yes - key words include: “strong support;” “strong consideration”
Positive	Qualified yes, may offer some suggestions for improvement - key words include: “welcomes;” “supports;” “commends”
Neutral	Does not take a position, may support another project - key words include: “offers congratulations;” “noting;” “noting with interest;” “stress need for study”
Negative	Querying the project in whole or in part - key words include: “queries;” “takes issue with;” “doubts;” “concerned”
Strong Negative	Emphatic rejection - key words include: “no need;” “doesn’t meet criteria;” “bad idea;” “rejects”

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Prepared by the Whitney R. Harris World Law Institute

68th SESSION OF THE UNGA (2013)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Austria	Gregor Schusterschitz	Mon Oct. 28th, 2013, 11:46-11:55AM	"Austria welcomes the inclusion of the topic „Crimes against humanity” in the long-term working plan of the Commission. The Rome Statute of the International Criminal Court certainly cannot be the last step in the endeavor to prosecute such crimes and to combat impunity. The Court is only able to deal with a few major perpetrators, but this does not take away the primary responsibility of states to prosecute crimes against humanity. Although the Preamble of the Rome Statute requires states to adopt the necessary legislation in order to be able to prosecute the crimes within the jurisdiction of the ICC, including crimes against humanity, such legislation is still missing in a large number of states. This also engenders a lack of cooperation among states in this area. Austria supports the efforts undertaken by a number of states to improve this cooperation on the basis of a new legal instrument. This initiative was also addressed this year in Vienna during the annual meeting of the UN Commission on Crime Prevention and Criminal Justice. Unfortunately, it was not yet possible to adopt a resolution advancing this topic at that meeting. We would welcome a close cooperation between the ILC and the promoters of the initiative to improve legal cooperation in the area of combatting crimes against humanity. The result of the work of the ILC on this topic should contribute to close the cooperation gaps which have been identified.."	Positive	https://papersmart.unmeetings.org/media/703455/austria-part-1.pdf
Chile	Hernán Salinas Burgos	Mon Nov. 4th, 2013, 4:28-4:56PM	***UNOFFICIAL TRANSLATION*** "In this respect, we agree with the Working Group, in the sense that States are sovereign in the celebration and determination of the content of a Treaty on the duty to extradite or prosecute, at present, conventional regime that regulates the aforementioned obligation, presents important gaps that may be necessary to observe in order to remedy them. In this regard, it is worth mentioning the lack of reference of this rule in the Convention, in relation to crimes against humanity or war crimes. Also, in the same order of ideas, would be suitable improve the formula of the conventions on genocide, in the sense of optimize the international cooperation that makes these international instruments effective."	Positive	https://papersmart.unmeetings.org/media/1141875/chile.pdf
China	Huang Huikang	Wed Oct. 30th, 2013, 11:33-11:41AM	"As to the topic "Crimes against humanity" newly added in the long-term program of work, the Chinese delegation holds the view that, taking into consideration the complexity and sensitivity of this topic, the Commission should deal with it in a prudent manner and avoid any pre-determined results before wide consensus is reached by states."	Neutral	https://papersmart.unmeetings.org/media/703724/china-e-rev.pdf
Cuba (on behalf of CELAC)	Tanieris Dieguez LAO	Mon Oct. 28th, 2013, 10:50-11:04AM	"In the same constructive spirit, we take note that the subject "Crimes against humanity" has been included in the long-term program of the Commission."	Neutral	https://papersmart.unmeetings.org/media/703486/cuab-celac-.pdf
Czech Republic	Petr Válek	Tues Oct. 29th, 2013, 12:20-12:27PM	"As far as the long-term programme of work is concerned, the Czech Republic welcomes the inclusion of the topic „Crimes against humanity” and recommends that the Commission proceeds with the topic during its sixty-sixth session. My delegation supports Prof. Sean D. Murphy’s view on the proposed key elements and outcome of this topic."	Positive	https://papersmart.unmeetings.org/media/703565/czech.pdf
France	Edwige Belliard	Mon Oct. 28th, 2013, 12:27-12:44PM	"We query the inclusion of "Crimes against humanity" in the long-term programme of work. It is not clear that all the Commission's criteria on the choice of subjects are met. In this regard, France wonders whether the States really need to draw up a convention on the subject. At this point it seems preferable to encourage universalisation of the Rome Statute and the effectiveness of existing norms, which might well not favour the drafting of new sectoral norms. Furthermore, the call on a universal jurisdiction to try the perpetrators of crimes against humanity is far from being shared by a majority of States and merits further consideration. Lastly, the question could well arise of the compatibility of the obligations that would derive from any such convention with those imposed by existing conventions, which is why the urgency of work on the subject may be queried."	Strong Negative	https://papersmart.unmeetings.org/media/703468/france-e.pdf
India	Neeru Chadha	Tues Oct. 29th, 2013, 10:34-10:40AM	"We also note the Commission’s decision to include the topic "Crimes against humanity" in its long-term programme of work. We note with interest the written proposal made on the topic by the Commission Member, Mr. Sean D. Murphy. As a preliminary comment, we would like to stress for the need of in-depth study and thorough discussion on the need to undertake work on this topic, in view of the existing international instruments including the International Criminal Court that have already dealt with crimes against humanity."	Neutral	https://papersmart.unmeetings.org/media/703643/india.pdf
Iran	Djamchid Momtaz	Tues Nov. 5th, 2013, 3:12-3:27PM	"... Therefore, it does not seem that in terms of the definition of the crime and its criminalization at the international and national levels, there is a legal loophole to be filled through the adoption of a new international instrument. ... Therefore, we are of the opinion that the inclusion of this topic in the long-term programme of the International Law Commission does not respond to the criterion that this body has set for the selection of topics in 1998."	Strong Negative	https://papersmart.unmeetings.org/media/1156427/iran.pdf
Italy	Andrea Tiriticco	Wed Oct. 30th, 2013, 10:04-10:25AM	"Moreover, with regard to the inclusion of the topic "Crimes Against Humanity" in the long-term programme of work of the Commission, we look forward to the future discussions. In this respect, the paper prepared by Professor Sean Murphy and annexed to the report represents a solid basis for the future consideration of the topic and its various aspects."	Positive	https://papersmart.unmeetings.org/media/703568/italy.pdf

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68th SESSION OF THE UNGA (2013)					
Japan	Tomoyuki Hanami	Mon Oct. 28th, 2013, 12:02-12:11PM	"We should also note that, by the recommendation of the Working Group on the Long-term Programme of Work, the ILC included the topic of "Crimes against humanity" in the long-term programme of work. As a member of the International Criminal Court (ICC), Japan has made efforts to undertake its commitment to promote the notion of "fight against impunity" in order to achieve international justice. As a responsible member of the international community, we have borne financial contributions not only to the ICC but also to other international tribunals. In this context, the delegation of Japan has a particular interest in this topic, and is looking forward to seeing the course of discussion in the Commission."	Positive	https://papersmart.unmeetings.org/media/2/703457/japan-part-1.pdf
Malaysia	Sarah Khalilah Abdul Rahman	Wed Oct. 30th, 2013, 10:59-11:12AM	"With regard to the inclusion of the topic of "Crimes Against Humanity" in the long term programme of work of the Commission, Malaysia notes from the paper prepared by Mr. Sean D. Murphy that the prospect of the work on this topic is the elaboration of a set of draft Articles on "Crimes Against Humanity". At this juncture, Malaysia would like to seek clarification on the urgency to conclude a Convention on the matter particularly as the Rome Statute of the International Criminal Court, which is already subscribed by 122 countries, also addresses crimes against humanity. Malaysia is of the view that the study should not undermine the intended universality of the Rome Statute. In addition, any further work on this should not overlap with existing regimes, but rather to complement it."	Neutral	https://papersmart.unmeetings.org/media/2/703723/malaysia-rev.pdf
Mongolia	Ambassador Od Och	Wed Oct. 30th, 2013, 12:01-12:06PM	"... my delegation supports inclusion of the new topic "Crimes against humanity" to the Commission's long-term programme of work."	Neutral	https://papersmart.unmeetings.org/media/2/703743/mongolia.pdf
Netherlands, The	Liesbeth Lijnzaad	Tues Oct. 29th, 2013, 10:42-10:54AM	"There is no doubt that the prevention and prosecution of this horrendous crime is of the utmost importance, and we do believe this is an issue that requires the constant vigilance of the international community. Thus we appreciate that the Commission has been looking into the desirability of formulating a specific instrument with respect to crimes against humanity. However, we consider that this issue needs to be addressed in the light of the Rome Statute, and the need to ensure its universality in the near future. ... [W]hat is needed for the prevention and prosecution of crimes against humanity at this stage is a reinforced focus on improving the international capacity to prosecute such crimes at domestic level. ... We consider that it is not the definition of the crime that is missing, but the operational tools to ensure prosecution. ... Thus the missing link is an international instrument on mutual legal cooperation covering all the major international crimes, including crimes against humanity."	Negative	https://papersmart.unmeetings.org/media/2/703600/netherlands.pdf
Norway (on behalf of the Nordic Countries)	Rolf Einar Fife	Mon Oct. 28th, 2013, 11:04-11:22AM	"The ILC has decided to add the topic of Crimes against humanity to its long-term work program. The Nordic countries commend this decision, which we foresee as yet another important step towards the elimination of impunity for serious international crimes. ... While we express our support to ILC's consideration of the topic of crimes against humanity, there are at the same time certain parameters that need to be taken into account in the Commission's future work."	Positive	https://papersmart.unmeetings.org/media/2/703463/norway-part-1.pdf
Peru	Ambassador Gustavo Meza-Cuadra	Tues Oct. 29th, 2013, 10:36-10:42AM	** Unofficial Translation** "We also emphasize the importance of including the topic "Crimes against humanity" in the long-term program of the Commission. We believe that its development will complement other work that the Commission has been carrying out on issues such as "The obligation to extradite or to judge (aut dedere aut judicare)" and "Immunity from foreign criminal jurisdiction of State officials"."	Positive	https://papersmart.unmeetings.org/media/2/703569/peru.pdf
Poland	Ambassador, Permanent Representative, Ryszard Sarkowicz	Wed Oct. 30th, 2013, 10:26AM	"As far as other issues are concerned by delegation would like to support shifting focus on the topic "The obligation to extradite or prosecute" (aut dedere aut judicare) towards areas which are still not covered by this obligation e.g. some of the most crimes against humanity, war crimes other than grave breaches and war crimes in non-international armed conflicts."	Positive	https://papersmart.unmeetings.org/media/2/703766/poland-rev.pdf
Romania	Director for International Law and Treaties, Ministry of Foreign Affairs, Alina Orosan	Tues Oct. 29th, 2013, 12:36-12:46PM	"Similarly, we appreciate the undertaking of the ILC to include in its programme of work the consideration of the issue of the crimes against humanity. However, more consideration is needed on the proposed outcome of this topic being included in the ILC's programme of work in view of other initiatives related to this matter."	Neutral	https://papersmart.unmeetings.org/media/2/703567/romania.pdf
Russian Federation	Legal Department of the Ministry of Foreign Affairs, Maria Zabolotskaya	Wed Oct 30th, 2013, 11:15-11:33AM	"The Commission also decided to include the topic: "Crimes against humanity" to its long-term program of work. In this regard we would like to note that the customary international law gives sufficiently clear understanding of what is the crime against humanity. This understanding was reflected in the Statute and the Judgment of the Nuremberg Tribunal, then this understanding was confirmed by the General Assembly of the United Nations in its resolution 95 (I). Crime against humanity was also defined by the International Law Commission as one of the Principals of International Law Recognized by the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. Crime against humanity is also a crime under the international humanitarian law, which is mentioned in the Protocol I to the Geneva Conventions. There is also the Statute of the International Criminal Court, which also contain the relevant definition. In this regard we should ask ourselves questions what the goal of elaborating a new document on crime against humanity is and how this document would be related to the exiting norms of customary and treaty law."	Negative	https://papersmart.unmeetings.org/media/2/703751/russia-e-rev.pdf

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68th SESSION OF THE UNGA (2013)					
Slovenia	Director-General, Ministry of Foreign Affairs, Borut Mahnič	Fri Nov. 1st, 2013, 12:00-12:13PM	"... We also note with interest the inclusion of the topic "Crimes against humanity" in its long-term programme of work. As noted in the contents of the topic included in Annex B to the Commission's report, crimes against humanity, unlike war crimes and genocide, are not covered by a treaty requiring States to prevent and punish such conduct and to cooperate in achieving this end. This legal gap in the international law has been recognised for some time and is particularly evident in the field of State cooperation, including mutual legal assistance and extradition. We believe all efforts should be directed at filling this gap. Consequently, Slovenia has together with the Netherlands, Belgium and Argentina launched an initiative for the adoption of a new international instrument on mutual legal assistance and extradition for the effective investigation and prosecution of the most serious crimes of international concern by domestic jurisdictions. It seems to us that in view of the said initiative and the relationship between a potential Crimes against Humanity Convention and the ICC's Rome Statute the ILC decision requires further consideration."	Neutral	https://papersmart.unmeetings.org/media2/703847/slovenia.pdf
South Africa	Themble Joyini	Tues Oct. 29th, 2013, 10:54-11:23AM	"The rationale for the topic, as far as we could tell from the syllabus adopted, is that there is currently a gap in the existing legal framework. The proposal is therefore to prepare Draft Articles, which would later become a Convention on the Prevention and Punishment of Crimes Against Humanity in order to fill in the identified gaps. ... We invite the International Law Commission to re-consider whether this topic, in its current form would be a priority, bearing in mind that the gaps identified in the syllabus are not prevalent for all States, and in particular those States that are party to the Rome Statute. There may be other ways to address the issue of improving cooperation between States when it relates to serious crimes and we note that there are ongoing initiatives in this regard. We would therefore have some reservations in accepting that the topic in its current form should be placed onto the current agenda of the Commission."	Negative	https://papersmart.unmeetings.org/media2/703480/south-africa.pdf
Spain	Jose Martin y Perez de Nanclares	Mon Oct. 28th, 2013, 12:53-1:06PM	"We also deem appropriate, in principle, to consider the inclusion of the issue of "Crimes against Humanity" in the long-term agenda. And for good reason since, contrary to the other two categories of international crimes (war crimes and genocide), this issue is not covered by an international treaty binding the States to preventing and punishing such crimes as well as to cooperate towards this end. This issue, as Mr Sean D. Murphy has rightly suggested, would prima facie meet the selection criteria established by the Committee itself: it reflects Member States eventual needs towards the progressive development and codification of International Law; its practice currently is in a phase sufficiently advanced; and, it is a specific and, at least in appearance, feasible topic. This will neither be an easy task. And, should it be undertaken, it will require a careful analysis both of the specific limitation aspects to be included in the relevant Convention and, particularly, its precise relationship with the Rome Statute and the role of the International Criminal Court without overstepping their provisions. Therefore, we are not sure the Committee would be able to adopt at first reading a comprehensive project of articles before the end of the current five-year period."	Neutral	https://papersmart.unmeetings.org/media2/703785/spain-e.pdf
Thailand	Ambassador and Permanent Representative, Norachit Sinhaseni	Tues Nov. 5th, 2013, 12:20-12:27PM	"The Thai delegation takes note that there are existing gaps in the present conventional regime governing the obligation to extradite or prosecute which need to be closed, especially in relation to most crimes against humanity and war crimes which do not fall in the ambit of grave breaches of the four Geneva Conventions of 1949 and the Additional Protocol I of 1977. ... The Thai delegation also highly commends the joint initiative of Argentina, Belgium, the Netherlands and Slovenia for the adoption of a new international instrument on mutual legal assistance and extradition concerning the effective investigation and prosecution of perpetrators of all the major international crimes, including crimes against humanity. My delegation believes that the Commission's work on this topic will definitely assist the said joint initiative."	Positive	https://papersmart.unmeetings.org/media2/1156416/thailanf-final.pdf
United Kingdom	First Secretary, Legal Affairs, Jesse Clarke	Tues Oct. 29th, 2013, 10:22-10:33AM	"On the decision of the Commission to include the topic Crimes against Humanity in its long-term programme of work, the UK has considered the proposal set out in Annex B of the Commission's report, to develop draft Articles for a Crimes against Humanity Convention. ... We note the analysis of the relationship between a Crimes against Humanity Convention and the Statute of the International Criminal Court contained in the proposal, and stress that any new conventions in this area must be consistent with and complementary to the ICC Statute."	Neutral	https://papersmart.unmeetings.org/media2/703573/uk-rev.pdf
United States of America	Acting Legal Adviser, Mary McL	Mon Oct. 28th, 2013, 11:22-11:33AM	"... the United States welcomes the Commission's addition of the topic "crimes against humanity" to its long-term work program. ... Because crimes against humanity have been perpetrated in various places around the world, the United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable."	Positive	https://papersmart.unmeetings.org/media2/703467/us.pdf

SUMMARY TABLE		
STATES AND ENTITIES COMMENTING	24	
STRONG POSITIVE	0	0%
POSITIVE	10	42%
NEUTRAL	9	38%
NEGATIVE	3	13%
STRONG NEGATIVE	2	8%

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69th SESSION OF THE UNGA (2014)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Australia	Mr. Bill Campbell	Fri. Oct. 31st, 2014, 11:07-11:11AM	"... Australia notes the decision of the Commission to include the topic of 'Crimes Against Humanity' in its programme of work and its appointment of Mr. Sean Murphy as Special Rapporteur. Australia assumes that in its examination of this important topic the Commission will give consideration to a broader application of the obligation to extradite or prosecute to crimes against humanity."	Neutral	http://statements.unmeetings.org/media2/4654832/australia-en.pdf
Austria	Mr. August Reinisch	Mon. Oct. 27, 2014, 11:54AM-12:07PM	"Already in last year's statement, Austria expressed its support for the inclusion of the topic "Crimes against humanity" in the agenda of the Commission. In Austria's view the Commission and Special Rapporteur Sean Murphy should put emphasis on the need of cooperation and adequate domestic legislation rather than on the elaboration of new definitions of such crimes. New definitions that differ from the already existing ones like those contained in the Rome Statute of the International Criminal Court (ICC) could only create problems for the pursuit of the goal of combating impunity. The Commission should also take into account the joint initiative of Argentina, Belgium, the Netherlands, Senegal and Slovenia on mutual legal assistance regarding atrocity crimes."	Positive	http://statements.unmeetings.org/media2/4654242/austria-en-78.pdf
Chile	Mr. Claudio Troncoso R.	Tues. Oct. 28th, 2014, 11:31-11:43AM and Fri. Oct. 31st, 2014, 4:21-4:41PM	"I should also like to note that the Commission's Planning Group decided to add two very important new topics to its work programme: "Crimes against humanity" and "Jus cogens". Our delegation welcomes these additions." "This is a topic to which this General Assembly and its subsidiary body, the International Law Commission, have previously made significant contributions. The concept of crimes against humanity is well defined in the Statute of the International Criminal Court. Several States, including Chile, have modified their domestic criminal legislation to adapt it to the 1998 Rome Statute. We therefore believe that the future work of the International Law Commission on this topic should not consist of redefining the concept of crimes against humanity but particularly of regulating the effects and consequences of categorizing behavior as a crime against humanity. In our opinion, the first consequence should be the obligation either to prosecute or to extradite the perpetrator of a crime against humanity. The Commission could also help to define the possible scope of universal jurisdiction in the case of crimes against humanity and the circumstances in which the State where the crime was committed should preferably try the case. All this would prevent these serious crimes of international importance from going unpunished. Obviously the Special Rapporteur, Mr. Sean Murphy, is facing a daunting task. We wish him every success and offer him our full cooperation."	Positive	http://statements.unmeetings.org/media2/4654407/chile-en.pdf http://statements.unmeetings.org/media2/4654897/chile-en-new.pdf
Costa Rica (on behalf of CELAC)	Ms. Guillen-Grillo	Mon. Oct. 27, 2014, 11:03-11:15AM	"For all these specific issues [including crimes against humanity], CELAC takes special note of the deadline established by the Commission to Member States in order to furnish possible comments and observations."	Neutral	http://statements.unmeetings.org/media2/4654292/celac-en.pdf
Croatia	Mr. Sebastian Rogac	Tues. Oct. 28th, 2014, 12:22-12:29PM	"Croatia congratulates Mr. Sean D. Murphy for his appointment as Special Rapporteur for this important topic. ... Croatia fully supports endeavors aimed at developing a global international instrument for the prevention, prosecution and punishment of crimes against humanity as well as cooperation between States in that regard. ... In conclusion, Mr. Chairman, let me express our hope that the very important work of the Commission in this field will, ... sooner rather than later, result in a new Convention on crimes against humanity, and thus add to the ever stronger architecture for the prevention, prosecution and punishment of the most serious international crimes."	Strong Positive	http://statements.unmeetings.org/media2/4654495/croatia-1-.pdf
Czech Republic	Mr. Petr Válek	Tues. Oct. 28th, 2014, 10:15-10:20AM	"... the Czech Republic commends the Commission for the inclusion of the topic "Crimes against humanity" in its programme of work and welcomes the appointment of Mr. Sean D. Murphy as Special Rapporteur for this topic. The Czech Republic is aware of the fact that there are important gaps in the current international legal framework governing the prosecution of crimes under international law and that the Commission's work on this topic should end up in providing a key missing piece in this framework. It is clear that the debates on this newly included topic will reflect and build upon current international legal framework, ... In addition, it will certainly take into account important efforts in other governmental and non-governmental fora, namely a proposal by the Governments of Argentina, Belgium, the Netherlands, Senegal and Slovenia to elaborate a multilateral treaty on mutual legal assistance and extradition in domestic prosecution of atrocity crimes, as well as the Crimes against Humanity Initiative of Whitney R. Harris World Law Institute. The Czech Republic awaits with interest the first report by the Special Rapporteur and the ensuing discussion of the Commission on this topic. "	Positive	http://statements.unmeetings.org/media2/4654285/czech-republic-en-78-part-1.pdf
El Salvador	Ms. Maria del Pilar Escobar Pacas	Tues. Oct. 28th, 2014, 12:09-12:21PM	"Lastly, with regard to chapter XVI of the report, we thank the Commission for including in its work plan the topic "Crimes of Humanity", to which we will give special monitoring to support in its work of codification and progressive development. We also extend our congratulations to Mr. Sean Murphy on his appointment as Special Rapporteur on the subject and we wish him the greatest success in his career."	Neutral	http://statements.unmeetings.org/media2/4654304/el-salvador-sp.pdf

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69th SESSION OF THE UNGA (2014)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Finland (on behalf of the Nordic Countries)	Ms. Päivi Kaukoranta	Mon. Oct. 27, 2014, 11:23-11:34AM	"The International Law Commission decided to include [Crimes against humanity] in its programme of work and to appoint Sean D. Murphy as Special Rapporteur. The Nordic countries commend this decision and are following the progress of work on this topic with great interest. ... The Nordic countries support the continuation of this topic and look forward to providing our further input as the work of the Commission progresses, and encourage other States to do the same."	Positive	http://statements.unmeetings.org/media2/4654297/finland-en.pdf
France	Mr. François Alabrune	Wed. Oct. 29th, 2014, 3:56-4:16PM	"Concerning the topic on "Crimes against humanity", the ambitious nature of the project must be recorded. However, my delegation reiterates its doubts regarding the need for relevant agreement. It seems to him preferable to encourage universal participation the statute of the International Criminal Court and the effective implementation of existing standards. A risk of contradiction between these standards and the draft Convention is also to be feared. Lastly, France is concerned about the use that may be made by the Commission Draft International Convention on the Prevention and Punishment of Crimes against Humanity developed by Washington University in St. Louis, with the objective, and I quote, to "consolidate the system of the International Criminal Court ". As it stands, this project raises questions serious as under domestic law and international law. These questions concern in particular on the establishment of universal jurisdiction for crimes against humanity. Caution is also needed with regard to the unenforceable nature national courts of the immunities of heads of state or of the application of non bis in idem reserved to cases of "effective" judgments."	Strong Negative	http://statements.unmeetings.org/media2/4654666/france-fr.pdf
Ireland	Mr. James Kingston	Mon. Oct. 27, 2014, 12:50-12:58PM	"... Ireland takes note of the fact that the topic "Crimes Against Humanity" has been added to the Commission's programme of work and congratulates Mr. Sean Murphy on his appointment as Special Rapporteur. Ireland shares the concern expressed by other delegations that there is a lacuna in the area of operational tools in relation to the prosecution of international atrocity crimes, and, for that reason, supports the international initiative towards the development of a Multilateral Treaty for Mutual Legal Assistance and Extradition in Domestic Prosecution of Atrocity Crimes. We ... would not wish to see the work of the Commission on the topic of Crimes Against Humanity detract from this initiative. ... We look forward to the first report of the Special Rapporteur on this topic."	Neutral	http://statements.unmeetings.org/media2/4654331/ireland-new.pdf
Israel	Ms. Sarah Weiss Ma'udi	Tues. Oct. 28th, 2014, 11:44-11:49AM	"With regard to the new agenda item, Crimes Against Humanity, I would first like to express Israel's sincere appreciation to the International Law Commission for moving the topic of crimes against humanity to its active agenda and for its appointment of the Special Rapporteur, Mr. Sean Murphy, to lead this process. The absence of a comprehensive global treaty on crimes against humanity should be of concern to the entire international community. Israel, therefore, welcomes this process and hopes to contribute to it in a constructive manner. ... The codification of crimes against humanity in a new treaty would be an important achievement for the international community."	Strong Positive	http://statements.unmeetings.org/media2/4654415/israel-en.pdf
Italy	Mr. Andrea Tiriticco	Wed. Oct. 29th, 2014, 4:28-4:53PM	"On the topic "Crimes against Humanity" we salute the appointment of the Special Rapporteur Sean Murphy and look forward to the work of the Commission in this area. It is important to discuss this topic. However, it must be clear that Article 7 of the Rome Statute of the International Criminal Court is in no way under discussion. The focus of the work of the Commission should be on mechanisms to fill any jurisdictional gaps and on the implementation at the national level of international norms relating to this category of crimes. Moreover, in so doing the Commission should be mindful of initiatives focusing on fostering interstate judicial cooperation on ICC crimes."	Positive	http://statements.unmeetings.org/media2/4654649/italy.pdf
Jamaica	H.E. Mr. E. Courtenay Rattray	Wed. Nov. 5th, 2014, 10:50-11:06AM	"The Commission has also decided to place the topic of Crimes against Humanity in its programme of work ... "	Neutral	http://statements.unmeetings.org/media2/4655098/jamaica.pdf
Japan	Mr. Tomoyuki Hanami	Tues. Oct. 28th, 2014, 11:17-11:31AM	"In the sixty-sixth session, the Commission decided to include the topic "Crimes against humanity" in its programme of work and appointed Mr. Sean Murphy as the Special Rapporteur. The delegation of Japan would like to congratulate the Special Rapporteur on his appointment. Japan, as a member of the International Criminal Court, shares the view that the "fight against impunity" is one of the major goals to be pursued in the modern international society, and expects that this topic will greatly contribute to the development of the international criminal law. We look forward to seeing the discussion on this topic starting from the next session."	Positive	http://statements.unmeetings.org/media2/4654431/japan-en.pdf

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Malaysia	Mr. Wan Mohd Asnur Wan Jantan	Wed. Nov. 5th, 2014, 11:06-11:23AM	"Malaysia notes the ILC Report at its 66th Session that the Commission has decided to include the topic "Crimes against Humanity" in its long-term programme of work, on the basis of the recommendation of the Working Group on the Long-Term Programme of Work. Malaysia further notes the appointment of Mr. Sean D. Murphy as Special Rapporteur for the topic. ... It is also noted that ICC does not have the capacity to prosecute all persons who commit crimes against humanity in light of insufficient resources. Malaysia viewed that Article 115 of the Rome Statute provides for funding of resources of the ICC. Therefore in lieu of drafting a new Convention to address the inadequacy of resources for the prosecution of all perpetrators of crimes against humanity regardless of his position, it augurs well that the ICC be supported by providing additional funds to enhance their resources. ... Finally, Malaysia is of the view that the time is not yet ripe at this juncture to consider an elaboration of a new international instrument on the issue of crimes against humanity."	Negative	http://statements.unmeetings.org/media2/4655090/malaysia-color.pdf
Mongolia	Mr. Och Od	Fri. Oct. 31st, 2014, 5:41-5:46PM	"In our statement last year, my delegation expressed its support for the inclusion of the new topic "Crimes against humanity" to the Commission's long-term programme of work with the belief that it will focus on the importance a new treaty complementing the Rome Statute of the International Criminal Court (ICC). I believe this belief was also shared by many Member states at the time. Regarding the Commission's decision on inclusion of the topic in its programme of work and appointed Mr. Sean Murphy as Special Rapporteur for the topic in July this year, I wish to express my delegation's concerns that creation of new definitions that differ from the already existing ones like those contained in the Rome Statute of the ICC could only create problems for the determination of the crime and which in turn may result in impunity of those responsible. This view was also echoed in the statements made earlier by Member states in connection to the Commission's report. The formulation of article 7 of the Rome Statute has greatly contributed to specifying and defining the crime against humanity. Thus a specific criminalization of crimes against humanity already exists, and is applicable to states parties and non-states parties to the Rome Statute alike."	Neutral	http://statements.unmeetings.org/media2/4654890/mongolia.pdf
Netherlands, The	Dr. Liesbeth Lijnzaad	Tues. Oct. 28th, 2014, 10:21-10:33AM	"The Commission earlier decided to include the topic of crimes against humanity onto its programme of work, and we congratulate Mr Sean Murphy on his appointment as Special Rapporteur. ... [W]e appreciate that the Commission is looking into the desirability of formulating a specific instrument with respect to crimes against humanity, as none currently exists. However, we consider that this issue is to a large extent already addressed in the Rome Statute, in a provision reflective of existing customary law. ... Thus a specific criminalization of crimes against humanity already exists, and is applicable to states parties and non-states parties to the Rome Statute alike. ... What is currently missing is an international instrument on mutual legal cooperation covering all major international crimes, including but not limited to crimes against humanity."	Negative	http://statements.unmeetings.org/media2/4654389/netherlands-en.pdf
New Zealand	Ms. Penelope Ridings	Wed. Oct. 29th, 2014, 10:43-10:50AM	"New Zealand supports the inclusion of the topic "crimes against humanity" in the agenda of the Commission. As he continues his work in this area we encourage the Special Rapporteur to draw from the definition of crimes against humanity contained in the Rome Statute of the International Criminal Court rather than elaborate a new definition of such crimes."	Positive	http://statements.unmeetings.org/media2/4654458/nz-cluster-1-and-2.pdf
Peru	H.E. Mr. Gustavo Meza-Cuadra	Mon. Oct. 27th, 2014, 12:16-12:20PM	"4. In the first place, Peru takes note of the specific issues on which the comments would be of particular interest to the Commission, which are described in Chapter III. In particular, on the topics: ... and "crimes against humanity". In this regard, my delegation takes into account the deadline for submitting comments and comments in written form."	Neutral	http://statements.unmeetings.org/media2/4654302/peru-sp.pdf
Poland	Mr. Janusz Stańczyk	Tues. Oct. 28th, 2014, 10:48-10:57AM	"Poland welcomes Commission's decision to include the topic "Crimes against humanity" in its programme of work. The topic is of fundamental character for international community particularly as regards combating impunity and ensuring the rule of law."	Positive	http://statements.unmeetings.org/media2/4654393/poland-en.pdf
Republic of Korea	Mr. Sung-ho Han	Wed. Oct. 29th, 2014, 11:04-11:14AM	"The Korean Government welcomes the ILC's adoption of the topic "Crimes against Humanity" in its program of work at the 66th Session in 2014, and the appointment of Professor Sean Murphy as the Special Rapporteur. ... The international community needs to send a clear message that perpetrators of crimes against humanity will be punished unequivocally, irrespective of one's domestic legal status. Therefore, my delegation hope the ILC will take into account the following issues in dealing with this agenda. ... The Korean Government again welcomes the adoption of the new ILC agenda, and we will do our best to actively cooperate with the ILC."	Positive	http://statements.unmeetings.org/media2/4654564/rok.pdf

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Romania	Mr. Felix Zaharia	Mon. Oct. 27, 2014, 12:21-12:30PM	"Romania congratulates Professor Sean D. Murphy for being appointed as Special Rapporteur for the topic "Crimes against Humanity". However, we appreciate that this topic should be treated with great caution. First, a definition of the crimes against humanity should be avoided, as existing international law already contains sufficient guidance in this respect. Secondly, the purpose of the work within the International Law Commission should be clearly defined. Thirdly, the topic should take carefully into consideration the developments towards the universality of the International Criminal Court, and should be correlated with the existing initiatives in the field. We are looking forward to the further study of the International Law Commission in this field."	Neutral	http://statements.unmeetings.org/media/4654257/romania-en-78-.pdf
South Africa	Mr. Andre Stemmet	Tues. Oct. 28th, 2014, 12:30-12:48PM	"... South Africa notes that the topic on Crimes Against Humanity has been accepted in the long term work of the Commission. While we have previously expressed some reservations in relation to the topic's inclusion, we remain attentive to this important topic and how the work in relation to crimes against humanity will progress. ... We continue to hold the view that even in the absence of a stand-alone Convention on the Prevention and Punishment of Crimes Against Humanity, there remains sufficient legal basis for the criminalisation of crimes against humanity in national law. ...We remain cautious that any work by the International Law Commission in this area should not undermine the Rome Statute system ... We do, however, consider that there could be important advances made on this topic ... "	Neutral	http://statements.unmeetings.org/media/4654324/south-africa-en.pdf
Spain	Mr. José Martín Pérez de Nanclares	Wed. Oct. 29th, 2014, 10:51AM	"Spain welcomes the ILC's decision to include the topic "crimes against humanity". Indeed, unlike the other two types of international crimes (war crimes and genocide), crimes against humanity are the only ones not subjected to an international treaty obliging the states to prevent and punish such acts and to cooperate among themselves to that avail. We congratulate, then, Mr. Murphy for his appointment as Special Rapporteur, wishing him at the same time success in his work. Nevertheless, we will have to look carefully both at the specific elements which will be part of the Convention, and, concretely, its precise relation with the Rome Statute and the role of the International Criminal Court, without going beyond its regulation."	Positive	http://statements.unmeetings.org/media/4654448/spain-sp-and-en.pdf
Trinidad and Tobago	Mr. Eden Charles	Mon. Nov. 23rd, 2014, 5:53-5:59PM	"We also take this opportunity to express our congratulations to Professor Sean D. Murphy on his appointment as Special Rapporteur for the topic, crimes against humanity. We fully support the inclusion of this topic on the current agenda of the Commission. ... Moreover, like others, we wish to emphasise that the project should not detract from but rather complement what is provided under the Rome Statute of the International Criminal Court."	Strong Positive	http://statements.unmeetings.org/media/4655069/tt-rev.pdf
United Kingdom	Mr. Iain MacLeod	Mon. Oct. 27, 2014, 12:40-12:46PM	"The United Kingdom notes that the Commission decided to include the topic Crimes against humanity in its programme of work and to appoint Mr. Sean Murphy as Special Rapporteur. ... The United Kingdom acknowledges that there is currently no general multilateral framework governing crimes against humanity and that there may be benefit in investigating how an extradite or prosecute regime in respect of such crimes would operate. The United Kingdom welcomes the careful consideration that the Special Rapporteur has given to the inter-relationship between the work on this topic and the Rome Statute, which already provides for the international prosecution of crimes against humanity. The United Kingdom believes that it is important that the work of the International Criminal Court in this area is not affected, whilst recognising that ICC prosecutions should be complementary to the exercise of national jurisdiction. The United Kingdom would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity."	Neutral	http://statements.unmeetings.org/media/4654282/uk-en-78-part-1.pdf
United States of America	Ms. Mary McLeod	Tues. Oct. 28th, 2014, 12:48-12:57PM	"... the United States looks forward to a thorough discussion of the topic [of Crimes Against Humanity] now that the Commission has added it to its active agenda. We support and very much welcome the appointment of Sean Murphy as Special Rapporteur [T]he United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable, and we look forward to following the ILC's work on this subject now that it is on the active agenda."	Positive	http://statements.unmeetings.org/media/4654447/us.pdf

SUMMARY TABLE		
STATES AND ENTITIES COMMENTING	27	
STRONG POSITIVE	3	11%
POSITIVE	11	39%
NEUTRAL	10	36%
NEGATIVE	2	7%
STRONG NEGATIVE	1	4%

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Austria	Mr. August Reinisch	Wed. Nov. 4, 2015, 3:56-4:09PM	"Concerning the topic "Crimes against humanity", my delegation welcomes the report of Special Rapporteur Sean Murphy and his conclusions regarding a convention on this topic that would have an existence independent from the Rome Statute of the International Criminal Court. ... My delegation is in favour of the proposed extension of the scope of the convention also to the prevention of such crimes. ... To us it is not clear what is the difference between the term "international crimes" and the term "crimes under international law". We would be interested in a clarification if there is a distinction between the two expressions; if not, the term "crimes under international law" should be avoided."	Positive	http://statements.unmeetings.org/media2/7654746/austria.pdf
Belarus	Delegation of Belarus	Fri. Nov. 6, 2015, 10:02-10:16AM	***UNOFFICIAL TRANSLATION*** " ... in light of the latest trends in criminal international law and treaty practice, it would be useful, from a practical point of view, to achieve a definite systemization and clarification of the definition 'crime against humanity' as well as the measures of prevention and prosecution of these crimes ... [W]e are not confident that the outcome of discussing this topic must be the elaboration of an international treaty, pre-mature adoption of which may have an opposite effect in terms of augmentation of the legal regime of fight against the aforesaid serious crimes and their diverse manifestations covered by existent international treaties."	Negative	http://statements.unmeetings.org/media2/7654917/belarus.pdf
Chile	Mr. Claudio Troncoso	Fri. Nov. 6, 2015, 2:46-2:58PM	"The establishment of prevention and punishment of crimes against humanity as an international obligation of States, by means of a specific treaty concerning such crimes, is essential so that we do not again have to bemoan the fact that innocent people fall victim to the most abhorrent behavior known to humanity. We congratulate the Special Rapporteur on his work and look forward to his second report."	Positive	http://statements.unmeetings.org/media2/7654990/chile-english-.pdf
China	Mr. XU Hong	Fri. Nov. 6, 2015, 4:23-4:37PM	"With respect to "Crimes against humanity", the Commission considered at its 67th session the first report of Special Rapporteur Mr. Sean Murphy, and provisionally adopted four draft articles and related commentaries. The Chinese delegation thanks the Special Rapporteur for his in-depth research on the topic, and appreciates the outcome of the Commission's work. The punishment of crimes against humanity and other serious international crimes is a common goal of the international community and is our common interest. The discussion and codification of the topic by the Commission is therefore of great significance. The Chinese delegation would like to make the following comments ... First of all, codification of draft articles should be based on a thorough review of the practice of States. ... [I]n the negotiation of the Rome Statute, there were disagreements over the definitions and elements of various crimes, including crimes against humanity ... Secondly, with respect to the list of specific crimes, full consideration should be given to differences among national legal systems. ... Thirdly, it warrants further consideration whether the obligation of States to prevent crimes against humanity as currently drafted is too broad. ..."	Positive	http://statements.unmeetings.org/media2/7654986/china-english-.pdf
Croatia	H.E. Ambassador Andreja Metelko-Zgombić	Fri. Nov. 6, 2015, 2:38-2:45PM	"It is a special privilege to address this Committee on the work of the International Law Commission relating to the topic "Crimes against humanity". Let me express our appreciation for the very informative and comprehensive First report prepared by Special Rapporteur Mr. Sean Murphy, as well as for the presentation of the (first) four provisionally adopted draft Articles. Croatia strongly supports all efforts aimed at developing a global international instrument for the prevention, prosecution and punishment of crimes against humanity and States' cooperation in that regard and stands ready to actively contribute to this endeavor. At this very early stage of the project, I would like to share with you our position on a few important elements contained in the draft Articles provisionally adopted by the Commission. ..."	Strong Positive	http://statements.unmeetings.org/media2/7654989/croatia.pdf
Czech Republic	Mr. Petr Valek	Wed. Nov. 4, 2015, 4:34-4:45PM	"The Czech Republic welcomes the first set of draft articles on the topic "Crimes against humanity" and would like to express its appreciation to the Special Rapporteur, Mr. Sean D. Murphy, for his outstanding contribution to this progress. We consider the draft articles, provisionally adopted at this year's session of the Commission, to be non controversial ... My delegation notes with satisfaction that the definition of the crimes against humanity, ... mirrors verbatim, except for necessary contextual changes, the definition of crimes against humanity contained in Article 7 of the Rome Statute of the ICC ... Our delegation also welcomes the provisional adoption of draft article 4 on obligation of prevention of crimes against humanity. ... Nevertheless, my delegation wonders whether this provision should not be made more robust by incorporating some of these preventive measures directly in the text of the draft article. In addition, we are of the opinion that the ongoing work in other fora, in particular the proposal by the Governments of Argentina, Belgium, the Netherlands, Senegal and Slovenia to elaborate a multilateral treaty on mutual legal assistance and extradition in domestic prosecution of atrocity crimes, as well as the Crimes against Humanity Initiative of Whitney R. Harris World Law Institute, offer an important source of inspiration for the Commission 's work on this topic."	Positive	http://statements.unmeetings.org/media2/7654776/czech-republic.pdf
Ecuador (on behalf of CELAC)	Mr. Agustin Fornell	Mon. Nov. 2, 2015, 10:46-11:00AM	"... CELAC countries reaffirm the importance of submitting possible comments and observations by 31 January 2016, in particular on the specific issues identified in chapter III, regarding: ... "Crimes against humanity""	Neutral	http://statements.unmeetings.org/media2/7654385/ecuador-on-behalf-of-celac.pdf

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El Salvador	Delegation of El Salvador	Fri. Nov. 6, 2015, 5:15-5:22PM	<p style="text-align: center;">***UNOFFICIAL TRANSLATION***</p> <p>"We wish to express our appreciation to Mr. Sean Murphy for the submission of his first report and the drafting of the respective draft articles, which commence this important process at the international level, to move towards the development of a project exclusively for Crimes against humanity. This effort is undoubtedly necessary in order to: fill in the gaps that exist on the subject, promote uniformity in criminal law at the domestic level, and enhance compliance with the various obligations of States, including the prevention and punishment of these serious crimes. With regard to the articles proposed and provisionally approved by the Drafting Committee, the scope of draft article 1 seems to us to be of great importance, but we note the need to make it clear that crimes against humanity may be committed at any time. ... [W]ith regard to the definition of crimes against humanity, my delegation considers that, while it is necessary to maintain proper coherence with existing treaties, this should not mean an automatic reproduction of its content. We therefore suggest that the opportunity should be taken to discuss the scope of the definition of crimes against humanity, ... "</p>	Positive	http://statements.unmeetings.org/media2/7655007/el-salvador.pdf
France	Mr. Francois Alabrune	Wed. Nov. 4, 2015, 3:32-3:55PM	<p style="text-align: center;">***UNOFFICIAL TRANSLATION***</p> <p>"With regard to the subject concerning the "Crimes against the humanity", the Special Rapporteur must be thanked for his first report and the work done since the registration of the subject in the program of the Commission a year ago. The proposals of the Commission however raise a few questions. ... Finally, with regard to the future work of the Commission on this subject, the idea of arrange the creation of a treaty body to check does not seem to us timely. The establishment of such a type of organ is justified when the convention to which he s backs door creation of rights has destination of individuals, such as the treaties in the field of human rights. This is not the case of the draft articles, which pursues essentially a purpose penal in aimed to introduce a criminalisation penale and has arrange mechanisms for judicial cooperation between States."</p>	Neutral	http://statements.unmeetings.org/media2/7654959/france.pdf
Germany	Mr. Kai Hennig	Fri. Nov. 6, 2015, 3:15-3:24PM	<p>"Germany welcomes the work of the ILC on this highly relevant topic. We thank Special Rapporteur Sean Murphy for his highly impressive and informative first report, which is based on broad and in-depth research. As a staunch supporter of international criminal law, Germany attaches great importance to the topic at hand. In our view, a possible Convention on Crimes against Humanity would not only complement treaty law on the core crimes, but might also foster inter-state cooperation on the investigation, prosecution and punishment of such criminal acts. Thus, a future convention might provide further impetus to our mutual aspirations to end impunity for atrocity crimes. ... In our view, it is crucial for the success of the work of the ILC on this project that compatibility with existing rules and institutions of international criminal law, in particular the International Criminal Court and its statute ... [W]e welcome the clarification in the commentary to draft article 3 that the jurisprudence of the International Criminal Court and other international or hybrid courts and tribunals will continue to provide guidance on the meaning of the definition of crimes against humanity. This premise might even be formulated a little more strongly, ... We will continue to follow the work of the ILC on this issue with great interest. Germany has already supported it by providing relevant information and we would like to encourage other States to do likewise."</p>	Strong Positive	http://statements.unmeetings.org/media2/7654964/germany.pdf
Greece	Maria Telalian	Wed. Nov. 4, 2015, 4:11-4:33PM	<p>"Concerning the item "Crimes against humanity" I would like to commend the Special Rapporteur, Mr. Sean Murphy, for his detailed first report on the topic. Greece attaches great importance to the fight against impunity for the most heinous crimes of international concern, including the crimes against humanity. We are not, however, entirely convinced about the desirability and the necessity of a Convention addressing exclusively that category of crimes. ... [We] are of the view that the entry into force of the Rome Statute and the establishment of the International Criminal Court has rendered to a large extent unnecessary the elaboration of a Convention on the crimes against humanity. We also believe that, despite the cautious approach and declared intention of both the Special Rapporteur and the Commission not to affect existing conventional regimes and the Rome Statute of the International Criminal Court, the risk of reopening during the future negotiation of a Convention the consensus reached on the definition of the crimes against humanity, as contained in Article 7 of the Rome Statute, cannot be excluded. Moreover, we share the concerns expressed by some States and members of the Commission that such a convention may hamper efforts to achieve the universality of the Rome Statute, since some States may deem it sufficient to ratify the former without adhering to the latter. ... We, therefore, believe that, at this stage, efforts of the international community should rather focus, on the one hand, on the promotion of universality and effective implementation of the Rome Statute and, on the other, on the establishment of necessary mechanisms of inter-State cooperation for the domestic investigation and prosecution of the most serious crimes of concern to the international community. In this respect, Greece has already expressed its support for the international initiative towards the establishment of a multilateral treaty for mutual legal assistance and extradition in domestic prosecution of atrocity crimes."</p>	Strong Negative	http://statements.unmeetings.org/media2/7654957/greece.pdf

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Hungary	Ms. Rita Silek	Fri. Nov. 6, 2015, 12:37-12:42PM	"Hungary is deeply committed to ending impunity for international crimes ... Hungary believes that crimes against humanity are among the most serious crimes that threaten the international community as a whole. We agree that - unlike for war crimes or genocide - there has been no unified treaty for prosecuting crimes against humanity, and this legal gap needs to be addressed. ... [W]e support the Commission's work on the elaboration of a new convention on crimes against humanity. At the same time we wish to echo those views that call for some caution to avoid conflict with other existing legal regimes in this field, especially the Rome Statute. Looking at the draft articles adopted by the Commission so far we are pleased to see that the Commission's work has followed the guidance given by States in the previous debates and heavily relies on the Rome Statute and the jurisprudence of the international criminal tribunals in this field."	Positive	http://statements.unmeetings.org/media2/7654954/hungary.pdf
India	Ms. Riti Pathak	Fri. Nov. 6, 2015, 11:59AM-12:05PM	"On the topic "Crimes against humanity", we welcome the first report of the Special Rapporteur, Professor Sean D Murphy. The report assessed potential benefits of developing a convention on crimes against humanity and dealt with certain aspects of the existing multilateral conventions that promote prevention, criminalization and inter-State cooperation in dealing with crimes. ... In view of the existing international legal regimes and mechanism dealing with the subject matter, we consider that it needed in depth study and thorough discussion in the Commission. The proposed obligations should not conflict with the existing treaty obligations and it should not duplicate the existing regimes."	Neutral	http://statements.unmeetings.org/media2/7654940/india.pdf
Indonesia	H.E. Ferry Adamhar	Mon. Nov. 9, 2015, 10:40-10:56AM	"Moving on to the topic of crimes against humanity, let me begin by expressing my delegation's appreciation to Mr. Sean Murphy, the Special Rapporteur for the topic Crime Against Humanity for his excellent first report and for his lucid introduction to the topic. A convention on crimes against humanity is essential as part of the effort of the international community to fight impunity. ... The convention could in our view provide regulation on inter-State relations in addressing crimes against humanity, ... Furthermore, it is also important to ensure that such a convention should be realistic and workable. In addition, my delegation considers that the convention should also contain provisions on the obligation to prevent that would clarify the criteria as to how a failure of preventing the acts of crimes against humanity would incur State responsibility. That is why in this connection that we suggest that the question of State responsibility related to the obligation to prevent deserves further elaboration by the Special Rapporteur and discussion by the Commission."	Positive	http://statements.unmeetings.org/media2/7655046/indonesia.pdf
Iran	Mr. Reza Deghani	Mon. Nov. 9, 2015, 11:36AM-12:00PM	"Turning to the topic "crimes against humanity", the Islamic Republic of Iran is of the view that the idea of drafting a new convention on crimes against humanity by the Commission, is premature and due to many reasons, still needs serious consideration. First of all, crimes against humanity as a crime under international law has been defined clearly in numerous international instruments since the World War II, the most important of which being the Statute of the International Criminal Court (ICC). Reviewing of the first report of the Special Rapporteur and the proposed draft articles makes it obvious that no new provisions are to be codified or developed by the Commission on this topic. ... Moreover, several States have criminalized crimes against humanity in their national legislations, which provides solid base in persecution of perpetrators of the crime against humanity worldwide. Furthermore, under the principle of <i>Aut dedere aut iudicare</i> (which has been included in several international instruments), bilateral judicial assistance agreements and other international instruments referred to by the Special Rapporteur in the first report, there is sufficient legal basis as to the prevention and punishment of crimes against humanity. ... Furthermore, one may conclude that consideration of a new convention on a topic of international law parallel to the existing instruments cannot, by itself, contribute to its strengthening, it may rather lead to fragmentation of international law and would not fill any legal lacunae in international legal order. For this reason we have not yet convinced that drafting a new convention could bring any added value to the existing international legal framework in this regard."	Strong Negative	http://statements.unmeetings.org/media2/7655056/iran.pdf
Israel	Ms. Sarah Weiss Ma'udi	Fri. Nov. 6, 2015, 12:15-12:22PM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of " Crimes against Humanity ". Israel welcomes the process. ... A comprehensive, global codification of "crimes against humanity" would benefit the entire international community. It is the position of the State of Israel that such codification, including the list of crimes and their definition, should reflect customary international law on the subject and the widest possible consensus amongst states. ... Since Israel continues to attach great importance to this topic, the Government of Israel would be honored to contribute to the drafting process of the new proposed treaty."	Strong Positive	http://statements.unmeetings.org/media2/7654946/israel.pdf
Italy	Mr. Andrea Tiriticco	Mon. Nov. 2, 2015, 11:34-11:53AM	"Allow me briefly to comment on Chapter VII regarding the topic "Crimes against humanity"; my delegation would like, first of all, to congratulate the special rapporteur, Mr. Sean Murphy, for his outstanding first report, which has been duly reflected in the quality of the report of the Commission. Italy is convinced of the potential benefits of developing a convention on crimes against humanity promoting the prevention, criminalisation and cooperation among states. The positive attitude of the Italian delegation is based on the premises of the approach proposed and pursued by the Commission at the present stage of its work. ... The Italian delegation looks forward to discussing in due course the draft articles that will translate operatively the indications just discussed; mindful that there might be other initiatives focusing on multilateral legal assistance and cooperation among Member States focusing on Rome Statute crimes that will have to be taken into account. Member States will have to reflect on the interaction between these initiatives as the activities on this topic move along."	Positive	http://statements.unmeetings.org/media2/7654393/italy.pdf

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Japan	Mr. Tomoyuki Hanami	Fri. Nov. 6, 2015, 5:47-5:59PM	<p>"Now, I would like to turn to the topic of "Crimes against humanity". The delegation of Japan would like to commend the Special Rapporteur, Mr. Sean Murphy for his extensive work in drawing up the comprehensive first report and draft articles therein. We duly note the draft articles provisionally adopted by the Commission; namely draft articles from 1 to 4. Here, I would like to address several points. To begin with, the delegation of Japan acknowledges the importance of the current work initiated by the Special Rapporteur, namely filling the legal gap of obligations of prevention and punishment of crimes against humanity, ... Japan recognizes that the current work, which will create "horizontal relationships" among states and regulate inter-state cooperation, will lead to strengthening the effort of the international community for preventing those crimes and punishing its perpetrators. Secondly, the delegation of Japan is of the view that the current work should avoid any legal conflicts with the obligations of states arising under the constituent instruments of international courts or tribunals, including the ICC. ... The delegation of Japan sincerely hopes that, as the fighting against impunity of most serious crimes requires coordinated action by the international community, deliberation of this topic will be continued in the Commission in a cooperative and constructive manner."</p>	Positive	http://statements.unmeetings.org/media2/7655022/japan.pdf
Malaysia	Ms. Edora Ahmad	Mon. Nov. 9, 2015, 11:10-11:22AM	<p>"Moving on to the topic on Crimes Against Humanity, Malaysia records its appreciation to the First Report on Crimes Against Humanity ... Malaysia is firmly committed to ending impunity and will continue to support any effort of the ILC towards that end, including the current work in relation to Crimes Against Humanity. ... Based on the concept of complementarity, Malaysia is of the view that there may be a necessity for States Parties to the Rome Statute to enact legislation for the crimes under the Rome Statute, ... In view that currently there are 123 States Parties of the Rome Statute, as far as the issue of criminalizing the acts of Crimes Against Humanity, Malaysia remains unclear on any value-add of draft Article 3 (1). ... Malaysia is of the view that the draft Convention should be drafted prudently to ensure that any further work on this should not overlap with existing regimes, but rather to complement it. ... In addition, Malaysia is also of the view that other surrounding legal issues such as universal jurisdiction, primacy of jurisdiction and immunity of state officials merit consideration in discussing the draft Convention. ... "</p>	Positive	http://statements.unmeetings.org/media2/7655051/malaysia.pdf
Mexico	Delegation of Mexico	Fri. Nov. 6, 2015, 10:38-10:50AM	<p>"The Government of Mexico wishes to thank the work of the International Law Commission in this regard and the Special Rapporteur, Mr. Sean Murphy, for his work. ... We generally welcome the fact that the draft articles resembles the definition of crimes against humanity contained in the Rome Statute. However, we believe that this definition should be clarified in the draft articles in relation to two main aspects, which are considered by various authorities on the subject as insufficiencies of the definition contained in the Rome Statute: First, Mexico considers that draft article 3, paragraph 2, subparagraph (a), should clarify, in the case of the policy of a State or of an organization to commit crimes against humanity, which must be an organization that presents the characteristics of a State (in other words, the term "State-like organization"). ... Secondly, in paragraph 3 (1) (k) of the draft article on "other similar inhuman acts", it should be noted that a large section of academia considers that this phrase does not meet the required specificity in accordance with the principle of legality which governs international criminal law. We believe that the work of the Commission could be a good opportunity to provide this specificity to the ground."</p>	Positive	http://statements.unmeetings.org/media2/7654926/mexico.pdf
Netherlands, The	Ms. Liesbeth Lijnzaad	Fri. Nov. 6, 2015, 10:23-10:36AM	<p>"My government would like to present its compliments to the Special Rapporteur, Sean Murphy, on his first report on crimes against humanity and the first four draft Articles in that regard. The Netherlands agrees with the Commission that the prevention and punishment of crimes against humanity is important and we share the Commission's concerns regarding the continuing occurrence of these crimes. However, we would like to suggest that the problem is perhaps not so much one of definition. ... The issue, rather, is the operationalization of the mechanisms to address the prevention and punishment of crimes against humanity, particularly in domestic jurisdiction. It is in this context that a treaty would provide a welcome instrument. ... We would like to recall that, together with the governments of Argentina, Belgium and Slovenia, the Netherlands is working towards a new Multilateral treaty on Mutual Legal Assistance and Extradition for domestic prosecution of +A24:D24the most serious international crimes. ... Support for such an instrument is growing steadily. We would welcome close cooperation between the ILC and the promoters of the initiative to improve legal cooperation in the area of combatting the most serious international crimes."</p>	Neutral	http://statements.unmeetings.org/media2/7654921/netherlands.pdf
New Zealand	Mr. Scott Bickerton	Fri. Nov. 6, 2015, 3:39-3:48PM	<p>"New Zealand welcomes the first report of Mr Sean Murphy on the topic of Crimes Against Humanity. We welcome the focus on both prevention and punishment of crimes against humanity as stated in draft articles 1 and 4. New Zealand acknowledges the careful analysis undertaken by the Commission with regard to the concept of prevention as articulated in a number of international criminal law and international human rights law instruments. We note the call in draft article 4 for states to use a wide range of tools at their disposal to prevent atrocities from occurring. New Zealand also welcomes the proposed definition of crimes against humanity in draft article three, ... "</p>	Positive	http://statements.unmeetings.org/media2/7654967/new-zealand.pdf

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Peru	Delegation of Peru	Fri. Nov. 6, 2015, 12:55-1:03PM	***UNOFFICIAL TRANSLATION*** "On the subject of "crimes against humanity", my delegation welcomes the work of the Special Rapporteur, Professor Murphy, whose ultimate objective would be a possible future International Convention on Crimes against Humanity. In this regard, we note the provisional approval of the draft Articles 1 to 4, with the corresponding commentary. In this regard ... this paper is still in progress and, consequently, our comments are preliminary. In this sense, my delegation reaffirms that - given that there is a legal framework for crimes against humanity (made up, inter alia, by several international conventions, as well as by the Statutes of various international courts and tribunals), it is important to note that these draft articles do not seek to replace this legal framework, but rather to complement it, with regard to the prevention and sanctions of crimes against humanity. An example of such complementarity is that the definition of 'crimes against humanity' reflects almost entirely Article 7 of the Rome Statute. Having said this, my delegation looks forward to the second report of the Rapporteur in 2016"	Positive	http://statements.unmeetings.org/media/2/7654979/peru.pdf
Poland	Ms. Anna Wyrozumska	Fri. Nov. 6, 2015, 12:08-12:12PM	"Poland welcomes the work of the ILC on the topic of crimes against humanity. We support the use by the Commission of the definition of crimes against humanity as it is defined in article 7 of the Rome Statute. As we have stated last year, one has to consider introducing to the draft also a victim-oriented approach, with particular regard to the most vulnerable category of victims, notably children. Thus, this approach ought to be reflected in draft article 1 ... and draft article 2 ..."	Positive	http://statements.unmeetings.org/media/2/7654928/poland.pdf
Portugal	Mr. Rita Faden	Fri. Nov. 6, 2015, 4:12-4:22PM	"I would like to begin our intervention on this topic by commending the Special Rapporteur, Mr. Sean Murphy, for his comprehensive study ... We believe it gave a good overall view of the background on this subject, but we would like to offer some comments on the on-going work of the Commission regarding this topic. ... Crimes against humanity are one of the most serious crimes of international concern and States should make every possible effort to prevent and punish them. There were some valid points presented towards the possibility of drafting a convention regulating crimes against humanity, as there are for other crimes of similar nature, particularly when it comes to establishing rules for cooperation and legal assistance between States and allowing for the prosecution of these crimes when a State or other organizations, such as the International Criminal Court, do not have jurisdiction over them. Such an instrument could be one more step to fighting impunity and ensuring accountability where these crimes are concerned. However, we share the view that the study of this topic should be addressed with some caution and that it must take into account the already existing legal framework dealing with crimes against humanity. The work developed must avoid entering into conflict with the regimes in place, in particular with the Rome Statute, but rather seek to complement them. ... To conclude my intervention on this topic, to which Portugal attaches great importance, let me assure Mr. Chairman that Portugal will continue to follow with great interest the work of the Commission on this matter."	Neutral	http://statements.unmeetings.org/media/2/7654985/portugal.pdf
Republic of Korea	Mr. Rhee Zha Hyoung	Mon. Nov. 9, 2015, 11:22-11:36AM	"[M]y delegation welcomes the first report submitted by the Special Rapporteur, Professor Sean Murphy, and also the adoption of the four draft articles and their commentaries. My delegation further welcomes the Commission's accomplishment of concrete results even at the initial stage of the process. Since this is an extremely timely topic, coming up with the final results at a time as early as possible is sure to be welcomed by the international community. The main purposes of this work are not only to strengthen international cooperation for the prevention and punishment of crimes against humanity, but also to create a model for domestic legislation on such crimes. ... In this regard, close consultation between States and the ILC, particularly in the Sixth Committee, will be quite useful. My delegation supports the Commission's formulation of Draft Article 3, as it is based on the Rome Statute of the International Criminal Court, thus preventing unnecessary conflict with the Rome Statute and according due respect to the ICC as well. "	Positive	http://statements.unmeetings.org/media/2/7655070/republic-of-korea.pdf
Romania	Mr. Ion Galea	Fri. Nov. 6, 2015, 12:23-12:36PM	"The Romanian delegation would like to commend the International Law Commission for its work on the topic of "Crimes against humanity" and would like to particularly thank Special Rapporteur Sean D. Murphy for a very comprehensive and well-structured report. We have read with great interest the solid arguments put forward in paragraphs 10-15 of the Report of the Special Rapporteur, which advocate for the adoption of a treaty for preventing and punishing the crimes against humanity. These arguments will be taken into account by the Romanian side. However, we will communicate our position on this issue at a later stage, as we intend to consider further the implications of such a decision. We are particularly cautious of not undermining, even indirectly, the efforts towards the universality of the Rome Statute of the International Criminal Court. Anyway, the provisions of such a document should not overlap with or undermine the Rome Statute of the International Criminal Court. ... As regards article 2, we agree with the position expressed by the International Law Commission, according to which the qualification of a crime as "crime against humanity" should not be conditional upon the existence of an armed conflict, since the conduct constituting that type of crime could occur in times of peace as well. With respect to draft article 3, the Romanian delegation fully supports the approach of the International Law Commission of not departing from the provisions of article 7 of the Rome Statute of the International Criminal Court, which enjoy broad consensus. ..."	Neutral	http://statements.unmeetings.org/media/2/7654935/romania.pdf

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Russian Federation	Permanent Mission of the Russian Federation to the United Nations	Mon. Nov. 9, 2015, 10:29-10:40AM	<p style="text-align: center;">***UNOFFICIAL TRANSLATION***</p> <p>"The Russian delegation had studied carefully the first report regarding Crimes Against Humanity (CAH) presented by Mr. Sean Murphy and the four projects with commentaries afterwards. In 2013 when the topic of CAH was included in the program of the Commission, we raised the question why a new document of the same nature was needed. ... The discussion of this topic, we guess, could help to harmonize the states' laws on CAH. We support the Commission's approach to use the 1948 Convention's model regarding the prevention of genocide and its punishment. It seems reasonable to reproduce the definition of CAH as it was done in paragraph 3 based on the Rome Statute of the International Criminal Court. ... The Russian delegation believes that it is enough to state in general the duty of the state to prevent CAH in the project of the document. The link to international law which it follows should be definitely saved. ... It is important that the duties to prevent are a behavioral norm and not a resulting duty. In this regard we suggest moving paragraph 2 from article 4 to the article with the definition of CAH."</p>	Positive	http://statements.unmeetings.org/media2/7655036/russian-federation.pdf
Singapore	Mr. Pang Kang Chau	Fri. Nov. 6, 2015, 10:51-11:04AM	"[M]y delegation thanks the Special Rapporteur, Mr Sean D. Murphy, in producing his first report on this topic, as well as for the work of the Commission, which has resulted in the provisional adoption of four draft articles that set out a definition of crimes against humanity and the obligation to prevent and punish such crimes. We appreciate the comprehensive manner in which the report surveys the historical development and background to crimes against humanity and the existing international legal framework that promotes the prevention, criminalization and inter-State cooperation with respect to crimes. We note that this topic is still in its early stages and would benefit from further reflection and consideration. In this regard, we recall and echo the cautionary note expressed by some delegations at the 68th Session of this Committee to avoid any pre-determined results and that any outcome would require further study. While the report seeks to address the potential benefits of developing draft articles that might serve as the basis of an international convention on crimes against humanity, there may be other outcomes that are ultimately more appropriate. Our delegation continues to study the proposed draft articles with a view to providing more in-depth comments at a later stage. In this regard, questions such as the interaction of this topic with existing legal regimes will need to be carefully considered as duplication or conflict with existing regimes could lead to uncertainty."	Negative	http://statements.unmeetings.org/media2/7654927/singapore.pdf
Slovakia	Mr. Metod ŠPAČEK	Mon. Nov. 9, 2015, 10:13-10:21AM	"We would like to commend the Special Rapporteur Sean Murphy for his first report on the topic, and express our overall satisfaction on his approach to the topic and the direction he gave to consideration of the future outcome. It is worthy to notice that decision to handle the topic with a vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic, was the right and wise decision. Thinking in the scope of a future convention is the only viable option for creating an effective implementation of the draft articles as an outcome of the consideration of the topic. We note with satisfaction that the ILC was able to provisionally adopt articles 1 to 4 together with extensive commentaries thereto, which are in fact the key provisions of the future international legal instrument,... With regard to the definitions, our delegation is pleased that they fully reflect the definition of crimes against humanity contained in Article 7 of the Rome Statute, which is generally considered as reflecting the customary international law. We fully support the inclusion of an article on obligation of prevention, as not only is this a longstanding practice in similar multilateral conventions, but primarily the focus on the effective prevention of crimes against humanity is the paramount purpose of a new legal instrument. In closing my intervention, let me express our full support to the Special Rapporteur in his endeavor and to wish him and the Commission every success in early finalizing the topic."	Strong Positive	http://statements.unmeetings.org/media2/7655030/slovakia.pdf
Slovenia	Ms. Bozena Boroje	Mon. Nov. 9, 2015, 10:09-10:13AM	"Slovenia would like to thank the Special Rapporteur, Mr Sean D. Murphy, for his comprehensive first report, which has a detailed contextual analysis of the issues at hand, and notes the ambitious tentative road map for the completion of the work on this topic. My delegation welcomes the proposed four draft articles ... Slovenia recognises that the present draft articles encompass some key fundamental notions that are vital for our understanding of crimes against humanity, ... Slovenia commends the methodology taken with respect to the definition of crimes against humanity that follows Article 7 of the Rome Statute and draws on the Elements of Crimes. ... As a member of the International Criminal Court, my delegation would like to point to the need for any new treaty on crimes against humanity to be consistent with, and complementary to, the Rome Statute. With regard to the four draft articles, Slovenia appreciates the emphasis placed not only on the aspect of punishment, but also on the obligation of prevention, ... Slovenia would like to reiterate the importance of inter-state cooperation on mutual legal assistance and extradition with respect to atrocity crimes. ... Slovenia, together with the Netherlands, Belgium and Argentina, is leading an initiative for a Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes, i.e. the MLA initiative. ... Slovenia looks forward to a future discussion on this topic."	Positive	http://statements.unmeetings.org/media2/7655028/slovenia.pdf

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South Africa	Mr. Mahlatse Mminele	Mon. Nov. 9, 2015, 10:21-10:24AM	"South Africa welcomes the first report on the topic "Crimes Against Humanity". South Africa wishes to commend Mr Sean Murphy, the Special Rapporteur, for producing not only the well-researched report under consideration, but also four draft articles in a short space of time. ... [We] find the focus on prevention and cooperation in draft Article 1 especially commendable. We support the approach that the draft articles not only apply to after-the fact punishment of crimes against humanity, but also aims to prevent the commission of these heinous crimes in the first place. ... [I]t will do no harm to state the obvious, that the term "armed conflict" will include armed conflict of both international and internal/non-international nature, ... We agree with the Special Rapporteur's approach in draft Article 3 with respect to the definition of Crimes against Humanity, to take the well-trodden path of following the definition contained in Article 7 of the Rome Statute, with the necessary contextual changes. ... We also agree with the approach taken in draft Article 4, containing the obligation on States to prevent crimes against humanity, ..."	Positive	http://statements.unmeetings.org/media2/7655032/south-africa.pdf
Spain	Prof. José Martín Y Pérez De Nancloares	Fri. Nov. 6, 2015, 5:01-5:10PM	"[T]he Spanish delegation wishes to congratulate Mr. Sean D. Murphy, for his first report on the matter, starting point of the four draft articles provisionally adopted by the International Law Commission in 2015, with commentaries. The quality of the texts adopted up until now foretells a good final result. ... [T]he Spanish delegation considers that ... the content of draft article 1 ... could be the title of the Draft Articles to be adopted by the Commission and later submitted to the United Nations General Assembly ('International Law Commission Draft articles on the prevention and punishment of crimes against humanity'). Draft article 1 could therefore be suppressed. Furthermore, its wording is not entirely satisfactory. It does not seem technically correct to state that the draft articles "apply" to the prevention and punishment of crimes against humanity, but it would rather be more suitable to say the draft articles "concern" the prevention and punishment of crimes against humanity. Regarding draft article 4, the content of paragraph 2 must be moved somewhere else, since stating that "No exceptional circumstances whatsoever (...) may be invoked as a justification of crimes against humanity" has no relation with the heading of the draft article ('Obligation of prevention'), nor with paragraph's 1 object."	Positive	http://statements.unmeetings.org/media2/7654995/spain-english-pdf
Sweden (on behalf of the Nordic countries)	Mr. Anders Ronquist	Wed. Nov. 4, 2015, 3:18-3:30PM	"On the topic of Crimes against humanity we thank the Special Rapporteur Mr Sean D. Murphy for his first excellent report and the ILC for the first draft articles, which provide an encouraging basis for further work in the Commission on this important topic. First, we welcome the general approach of the Special Rapporteur to keep the definition of the crime in Article 7 of the Rome Statute as the material basis for any further work of the ILC on this topic. Second, we endorse the character of the topic as complementary to the Rome Statute system, ... Third, the Nordic countries strongly endorse the focus on the obligation of prevention. ... Finally, while welcoming development towards further recognition of a duty of prevention and obligations of interstate cooperation, the Nordic countries underline that no such obligations can be construed so as to limit either already existing, similar obligations vis-a-vis other crimes, or other already existing legal obligations in this field. ..."	Positive	http://statements.unmeetings.org/media2/7654716/sweden-on-behalf-of-the-nordic-countries.pdf
Switzerland	Delegation of Switzerland	Fri. Nov. 6, 2015, 3:25-3:30PM	"Switzerland would also like to thank the International Law Commission and the Special Rapporteur on crimes against humanity for their work. Chapter VII of the report testifies to the care they have taken to comprehensively address the basic elements of a convention on crimes against humanity. It reflects their will to rely on the current state of international law, including customary law. ... Switzerland is in favour of a concise convention that is as long as necessary and as short as possible. It welcomes that the four existing draft articles are based on the existing international legal framework. ... My delegation supports and highlights the following elements of the report: ... Switzerland welcomes the planned programme of work, relating to a convention on crimes against humanity. ... It is the hope of my delegation that such a convention will help us ensure that persons who have committed crimes against humanity are prosecuted under national legislation, thereby also strengthening complementarity with the Rome Statute system. Sadly, serious crimes are still being committed on a daily basis in too many places in the world. A new convention on crimes against humanity might at least give hope of preventing the violations of tomorrow."	Positive	http://statements.unmeetings.org/media2/7654947/switzerland-eng-and-french-pdf
Turkey	Statement by Turkey	Fri. Nov. 6, 2015, 5:25-5:33PM	"Concerning the first report of the Special Rapporteur, Mr. Sean D. Murphy on "Crimes Against Humanity", we take note of his very detailed treatment of this subject. We have examined the report carefully and have questions on parts of the report, ... we note that the definition of crimes against humanity contained in draft article 3, differs from the definition set forth in the Rome Statute on two points on which our delegation would welcome further clarification. First, paragraph 4 of draft Article 3 ... given the purpose of the present exercise on Crimes Against Humanity, which is "the harmonization of national laws", we are doubtful that this particular paragraph serves the purpose of the undertaken exercise. Second, the last part of paragraph 1 (h), ... makes reference to the crime of genocide and war crimes. These crimes are not defined, nor is there any reference to the instruments containing such definitions in the present draft articles. We therefore believe that it would be useful to address this uncertainty."	Neutral	http://statements.unmeetings.org/media2/7655013/turkey.pdf

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United Kingdom	Ms. Sherin Shefik	Mon. Nov. 9, 2015, 10:56-11:05AM	"Turning to the topic of Crimes against humanity, the United Kingdom welcomes the Commission's further work on this issue. The United Kingdom acknowledges that there is currently no general multilateral framework governing crimes against humanity. We continue to see benefit in exploring how an extradite or prosecute regime in respect of such crimes could operate. The United Kingdom appreciates the careful consideration that the Special Rapporteur, the Commission and the Drafting Committee have given to the inter-relationship between their work and the Rome Statute, ... Any additional regime, would have to complement rather than compete with the Rome Statute. ... As work on this topic continues, the United Kingdom underlines that we would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity. Therefore, we would urge the Commission to keep the draft simple, ... In addition, the United Kingdom encourages the Commission to consider further the appropriate jurisdictional scope of the obligation of prevention under Article 4 and the rationale for this."	Positive	http://statements.unmeetings.org/media/2/7655048/united-kingdom.pdf
United States of America	Mr. Todd Buchwald	Fri. Nov. 6, 2015, 3:47-3:52PM	Mr. Chairman, on the topic of "crimes against humanity," the United States is following the Commission's work with great interest. Special Rapporteur Sean Murphy has brought tremendous value to bear in the Commission's work on this topic, including the difficult questions that this topic implicates. ... Because crimes against humanity have been perpetrated in various places around the world, the United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable. As we have previously noted, this topic's importance is matched by the difficulty of some of the legal issues that it implicates, and we expect that under Sean Murphy's stewardship, these issues will continue to be thoroughly discussed and carefully considered in light of States' views as this process moves forward. We are continuing to study the ILC's work on this topic carefully, as it presents a number of complex issues, on which we are still developing our views. We are deeply grateful to Special Rapporteur Murphy and to the other members of the Commission for their work on a topic of such importance, and we eagerly look forward to their continued efforts."	Neutral	http://statements.unmeetings.org/media/2/7654972/united-states-of-america.pdf

SUMMARY TABLE		
STATES AND ENTITIES COMMENTING	38	
STRONG POSITIVE	4	11%
POSITIVE	22	58%
NEUTRAL	8	21%
NEGATIVE	2	5%
STRONG NEGATIVE	2	5%

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Argentina	Delegation of Argentina	Wed. Nov. 2nd, 2016, 12:13-12:19PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"With regard to the project on crimes against humanity, I would like to commend the work of the Special Rapporteur, Sean Murphy, which allowed the submission of his second report (A / CN.4 / 690) and the adoption by the Commission of articles 5-10, including article 5, paragraph 7, on the liability of legal persons. The Republic of Argentina understands that, while the provisions of articles 5 to 10 are based on the background to other international instruments sanctioning international crimes, in particular the Rome Statute of the International Criminal Court, progress can be made in the development of this without running the risk of contradicting the agreements reached by the international community in this regard. ... Cooperation among all States is also essential in the investigation and prosecution of these crimes. In this regard, it is recalled that the Argentine Republic, together with Belgium, Slovenia and the Netherlands, is promoting an initiative for the adoption of a multilateral instrument of legal assistance and extradition for crimes against humanity, war crimes and genocide, to which all States are invited to accede."</p>	Neutral	http://statements.unmeetings.org/media/2/7663607/argentina.pdf
Australia	Michael Bliss	Fri. Oct. 28th, 2016, 12:32-12:36PM	<p>"Australia welcomes the Commission's progress on the topic of crimes against humanity and the provisional adoption of four draft articles together with commentaries by the Commission. ... Australia thanks the Special Rapporteur, Mr Sean Murphy, for his leadership on this topic. We also thank the drafting Committee for its constructive engagement with the Special Rapporteur's proposals. Mr Chairman, We meet at a time at which the international community is grappling with a range of intense conflicts and situations in which crimes against humanity are a constant feature. Our objective must be to prevent, and to punish, such crimes. The ILC's work to clarify the elements of crimes against humanity is a crucial element of this endeavour. As we know, a legal framework for dealing with crimes against humanity exists in the Rome Statute of the International Criminal Court. Importantly, the Special Rapporteur has made clear that these draft articles seek not to replace or compete with this framework, but to complement it. ... Australia welcomes emphasis in the draft articles on the importance of the adoption of national laws and inter-State cooperation on the prevention of crimes against humanity. Australia considers that the Commission's work on this topic will contribute to our efforts to prevent and punish these crimes and encourage States to implement effective legislative, administrative, judicial or other preventive measures as envisaged by draft article 4. ... Australia welcomes the Special Rapporteur's next tranche or work in this important area and efforts to achieve a first reading of the entire set of draft articles by 2018. We look forward to engaging with the Commission on the next six proposed draft articles ..."</p>	Strong Positive	http://statements.unmeetings.org/media/2/7663525/australia.pdf
Austria	Professor August Reinisch	Fri. Oct. 28th, 2016, 12:20-12:32PM	<p>"With regard to the topic "Crimes against humanity", the Austrian delegation commends the Special Rapporteur Sean Murphy for his second report on this topic ... The draft articles adopted provisionally this year by the Commission deal with some fundamental issues, such as jurisdiction and other matters that are of general significance. Although my delegation concurs with the majority of these draft articles, they nevertheless raise some points to be mentioned: ..."</p>	Positive	http://statements.unmeetings.org/media/2/7663360/austria.pdf
Belarus	Delegation of Belarus	Fri. Oct. 28th, 2016, 4:39-4:43PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>My delegation welcomed the results of the Commission's work on the subject of "Crimes against humanity." The draft is balanced and can make a valuable contribution to filling the legal gaps in this sphere, we see considerable merit of Mr. Sean Murphy, the Special Rapporteur on the issue. Of particular interest in this topic, as it is seen, it maybe for those States which for some reason did not participate in the International Criminal Court. Crimes against humanity are categorically unacceptable and the Republic of Belarus welcomes the commitment of the international community to eradicate this flagrant violation of international law. ... According to the draft articles comments would like to make the following suggestions. ..."</p>	Positive	http://statements.unmeetings.org/media/2/7663383/belarus-2-.pdf
Brazil	Delegation of Brazil	Fri. Oct. 28th, 2016, 4:35-4:39PM	<p>"Concerning the topic "crimes against humanity", Brazil concurs with the importance of including such crimes in domestic legislation and of promoting the harmonization of national legislation in this regard. A future convention could indeed be beneficial for facilitating much-needed judicial cooperation in this realm, ... As a proud founder of the International Criminal Court, Brazil believes that prominence should be given to the language already contained in the Rome Statute in this regard, ... "</p>	Positive	http://statements.unmeetings.org/media/2/7663380/brazil.pdf
Chile	H.E. Ambassador Claudio Tr	Fri. Oct. 28th, 2016, 12:44-1:04PM	<p>"At this session, the Special Rapporteur, Mr. Sean Murphy, submitted his second report to the Commission. In addition, the Commission had before it the required memorandum to the Secretariat with information on conventional existing monitoring mechanisms that may be of relevance to the future work of the International Law Commission. ... We support unreservedly the wording of paragraph 3 of draft article 5 on command or other superior responsibility. ... Draft article 10 is of interest to us, in that it sets out guidelines for the fair treatment of alleged offenders and enshrines the internationally recognized standards of due process in this regard. In this section, we believe there should be mention of an issue which relates to matters under discussion here. This is the international initiative led by the Netherlands, together with Argentina, Belgium and Slovenia ... This initiative has garnered a great deal of support, including from my country, because it would be conducive to the formation of a universal legal framework that would positively influence the campaign against impunity for these serious international crimes. Accordingly, we believe that it would be useful to encourage dialogue on this issue between the Special Rapporteur, the International Law Commission and the coordinators of this initiative. We commend the work of the Special Rapporteur, Mr. Sean Murphy, and look forward to his third report."</p>	Positive	http://statements.unmeetings.org/media/2/7663369/chile-eng-.pdf

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China	Mr. XU Hong	Thurs. Oct. 27th, 2016, 5:48-6:02PM	"On the topic of "crimes against humanity", the 68th session of the Commission deliberated on the second report submitted by Mr. Murphy, the Special Rapporteur, and adopted Draft Articles 5 to 10 and the commentaries thereto. The Chinese delegation thanks the Commission and the Special Rapporteur for the outstanding job done, and would like to make the following points: First, on the working method of the Commission. The Chinese delegation has noted that the ILC has set under this topic the objective of formulating an international convention specifically on crimes against humanity. But judging from the deliberations at the Sixth Committee last year, it is apparent that States have not reached a wide consensus on this point. The second report and the Draft Articles adopted by the Commission basically rely on analogous deduction primarily by sorting and summarizing relevant provisions in other international conventions on combating international crimes. This is not codification of the provisions related to crimes against humanity as found in existing laws, but proposing to draft a new law. ... in view of the complexity and sensitivity of the topic on crimes against humanity per se, the advisability of this working method is open to question. ..."	Negative	http://statements.unmeetings.org/media2/7663319/china-eng.pdf
Croatia	H.E. Ambassador Andrej a Metelko-Zgorncic	Fri. Oct. 28th, 2016, 10:30-10:37AM	"Let me - at the very outset - express Croatia's appreciation of the work of the Special Rapporteur Mr. Sean Murphy, as well for the efforts that the Secretariat has invested into preparing the memorandum on existing treaty-based mechanisms that may be of relevance to the future work of the International Law Commission on this topic. ... Seventy years after World War II and twenty-five years after the events on the territory of the former Yugoslavia, and in spite of the continued commission of such atrocities around the globe, even as we speak, the international community still lacks a global legal instrument to prevent and punish crimes against humanity. As a country that experienced first-hand the commission of far too many acts that constitute crimes against humanity, Croatia staunchly supports all efforts aimed at developing such an instrument. Croatia also stands ready to actively contribute to this endeavour ... While the sense of urgency has never been greater, crimes against humanity - at this point - remain the only core set of crimes within the jurisdiction of international criminal tribunals that do not have a dedicated convention. Croatia sees such a global treaty as part of our concerted efforts to prevent the commission of such heinous crimes and to punish the perpetrators. As we again congratulate the International Law Commission and Mr. Murphy on their efforts so far with respect to this crucial topic, we look forward to even more substantial developments in the year to come and express our readiness to assist in a way that the International Law Commission and Mr. Murphy deem desirable."	Strong Positive	http://statements.unmeetings.org/media2/7663334/croatia.pdf
Cuba	Delegation of Cuba	Thurs. Oct. 27th, 2016, 5:08-5:13PM	***UNOFFICIAL TRANSLATION*** "In relation to theme VII "Crimes against humanity", Cuba is grateful for the drafting of the draft of 10 articles on a subject of such importance. We consider positive the return of the criminalization of the criminal figures that typify this crime to the national jurisdictions of the States."	Positive	http://statements.unmeetings.org/media2/7663313/cuba.pdf
Czech Republic	Mr. Petr Válek	Thurs. Oct. 27th, 2016, 5:20-5:26PM	"As far as the topic "Crimes against humanity" is concerned, the Czech Republic welcomes the next set of draft articles on the topic "Crimes against humanity", provisionally adopted by the Commission, and would like to express its appreciation to the Commission and the Special Rapporteur, Professor Sean D. Murphy, for their outstanding contribution to this issue. In our opinion, the provisions adopted ... in principle appropriately reflect and build upon current international law framework, including the Rome Statute of the International Criminal Court and a number of other relevant criminal law treaties."	Positive	http://statements.unmeetings.org/media2/7663316/czech-republic.pdf
Egypt	Delegation of Egypt	Wed. Oct. 26, 2016, 4:19 - 4:28PM	***UNOFFICIAL TRANSLATION*** "In regards to the topic of Crimes Against Humanity, the progress made by the committee is worthy of praise. Hopefully, the committee efforts will result in a bill of treaty, which criminalizes those acts nationally, enhances global cooperation to combat them, and strengthens measures to hold perpetrators accountable. In this vein, Egypt supports the general approach that has been pursued by the committee in drafting the five articles which have been provisionally approved during its session. Also, those clauses align with the treaty to be drafted in the future in this regard, taking into account the need for more deliberation and negotiation on certain controversial matters, such as immunities and the liability of legal persons with respect to crimes against humanity."	Positive	http://statements.unmeetings.org/media2/7663223/egypt.pdf
El Salvador	Delegation of El Salvador	Fri. Oct. 28th, 2016, 12:49-1:04PM	***UNOFFICIAL TRANSLATION*** "With regard to the topic of "Crimes of Humanity", we would like to thank Mr. Sean Murphy for the presentation of his second report and for the preparation of the respective draft articles with their comments, which reflect the significant achievements made. Since the decision to include this item on the Commission's agenda had been taken, our delegation stressed the importance of initiating the process for the development of a project exclusively for crimes against humanity, as it exists for other serious crimes such as genocide or war crimes. Although we know that the Rome Statute, which has recently been ratified by El Salvador, made a decisive contribution to determining the characteristics of this type of crime, we believe that an instrument of general scope on crimes against humanity had been a debt for many years; We therefore wish to reiterate our support for this agenda item and our willingness to collaborate with its good development."	Positive	http://statements.unmeetings.org/media2/7663336/el-salvador.pdf

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France	Mr. François Alabrune	Mon. Oct. 24th, 2016, 12:29-12:50PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"On the subject of "Crimes against humanity", the French delegation thanks Mr. Sean Murphy for his second report and the important work accomplished since the topic had been included in the Commission's program two years ago. The proposed new draft articles appeared to be very detailed and precise, leaving States, in a number of situations, with a useful margin of appreciation. ... The Rapporteur's draft contained a provision on the liability of legal persons. The French delegation had no objection to formulating on the principle of that provision. Even if it is not provided for by the Statute of the International Criminal Court, the liability of legal persons does indeed exist under French law. However, a certain procedural freedom should be left to the States to avoid abusive judicial proceedings. ... With regard to the question of the universal jurisdiction of the national courts provided for in draft article 6, provision should also be made for a degree of procedural freedom. In particular, this would appear to be justified by the complexity of these infringements, by the difficulties that may be encountered by the courts in carrying out procedures and by the risks of conflicts of jurisdiction. Moreover, with regard to draft article 8, my delegation wondered, in particular, about the risk that the outcome of the current investigation or investigation might give rise to, the obligation to communicate conclusions of investigation to another State."</p>	Positive	http://statements.unmeetings.org/media2/7662909/france.pdf
Germany	H.E. Ambassador Dr. Michael Koch	Fri. Oct. 28th, 2016, 3:38-3:39PM	"Germany welcomes the work of the ILC on this highly relevant topic. We thank Special Rapporteur Sean Murphy for his second report, which is based on broad and in-depth research. As a staunch supporter of international criminal law, Germany attaches great importance to the topic at hand. A possible Convention on Crimes against Humanity would not only complement treaty law on the core crimes, but might also foster inter-state cooperation regarding the investigation, prosecution and punishment of such criminal acts. A future convention ought to provide further impetus to our mutual aspirations to end impunity for atrocity crimes. Please allow me to make two remarks on the work at hand: First, as a founding member of the Rome Statute and an ardent supporter of the International Criminal Court, Germany welcomes the clear orientation towards the Rome Statute of the International Criminal Court. ... Second, we counsel against proposing any additional institutionalised mechanisms under the Convention as this would necessarily create space for different interpretations. We will continue to follow the work of the ILC on this issue with great interest."	Strong Positive	http://statements.unmeetings.org/media2/7663387/germany.pdf
Greece	María Telalian	Fri. Oct. 28th, 2016, 10:09-10:26AM	"Concerning the item "Crimes against humanity" Greece would like to express our appreciation the Special Rapporteur for his detailed and exhaustive second report on the topic. ... As we understand the intention of both the Rapporteur and the Commission is to elaborate and propose a draft Convention on the crimes against humanity and to do so in an expedited way. From that point of view, we agree with the Rapporteur that the best approach is to take guidance from and to draw on standard provisions repeatedly used in widely ratified treaties dealing with other crimes. ... Turning to the Draft Articles provisionally adopted, we would like to state that, in general, we agree with the refinements made to their wording following the debate within the Commission. ... "	Positive	http://statements.unmeetings.org/media2/7663327/greece.pdf
Hungary	Dr. Réka Varga	Thurs. Oct. 27th, 2016, 5:33-5:42PM	"Regarding Chapter VII (Crimes against humanity), the Hungarian delegation wishes to congratulate Special Rapporteur Sean D. Murphy for his detailed and comprehensive Second Report, ... By the provisional adoption of six additional draft articles (from 5 to 10, including paragraph 7 of Article 5 on the question of the liability of legal persons) together with commentaries thereto, the Commission has made enormous progress in the elaboration of a new convention in this field. Hungary agrees with the Chairman of the Commission that since crimes against humanity still occur in today's world, strong legal measures are needed to prevent such crimes and punish the perpetrators. Therefore Hungary supports the Commission's notion to formulate draft articles with the intention that it might ultimately form the basis of a convention. Such a convention, solely by its existence, would help fight impunity and would also reflect the strong determination of the international community in this regard. ... "	Positive	http://statements.unmeetings.org/media2/7663318/hungary.pdf
Iceland (on behalf of the Nordic countries)	Ambassador Helga Hauksdóttir	Thurs. Oct. 27th, 2016, 4:57-5:07PM	"As far as the topic "Crimes against humanity" is concerned, we would like to thank the Special Rapporteur, Mr Sean D. Murphy, for the thorough work in his second report, and the ILC for the provisional adoption of six further articles. The Nordic countries attach great importance to the prevention and punishment of crimes against humanity and follow the ILC's work with keen interest. We endorse the consideration of this topic as complementary to the Rome Statute and the focus on action to be taken at the national level as well as on cooperation between States. While drawing attention to our earlier comments on the topic, this time we would like to comment a few specific issues related to the second report. ..."	Positive	http://statements.unmeetings.org/media2/7663312/nordic-countries.pdf
India	Dr. V.D. Sharma	Tues. Nov. 1st, 2016, 11:00-11:10AM	"On the topic of Crimes against Humanity, we welcome the second report of the Special Rapporteur Professor Sean Murphy. It addresses various actions to be taken by States under their national laws with respect to crimes against humanity (CAH). ... We reiterate our position concerning this topic in general that, considering the existing international mechanisms, including the International Criminal Court, available to deal with the subject matter of this topic including the measures relating thereto which are suggested in the draft articles, there should be an in-depth study and a thorough discussion on the requirement of Commission's work on this topic. In our view, any work on this topic could lead to duplicating the efforts already undertaken in existing regimes."	Negative	http://statements.unmeetings.org/media2/7663517/india.pdf

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Indonesia	Ambassador Ferry Adamhar	Tues. Nov. 1st, 2016, 10:50-11:00AM	"On the work of Crimes against Humanity, I would like to thank Special Rapporteur Mr. Sean Murphy for his Second Report, as well as thanking the Secretariat for its deliberative and well-prepared memorandum. Indonesia takes note of the newly adopted four draft articles with its respective commentaries thereto ... Indonesia will steadily continue to study the ILC's ten draft articles and its respective commentaries, to which we are still developing our views. And in light of the legal intricacies implicated by this topic, we encourage the Commission and the Special Rapporteur to cater its work with careful and comprehensive consideration taking into account states' views on this matter."	Neutral	http://statements.unmeetings.org/media/2/7663523/indonesia.pdf
Ireland	Ms. Anne-Marie O'Sullivan	Tues. Nov. 1st, 2016, 10:22-10:29AM	"With regard to the topic of "Crimes against humanity", Ireland thanks the Special Rapporteur, Mr Sean Murphy, for his comprehensive second report on this topic, and the Drafting Committee for its careful consideration of draft articles 5, 6, 7, 8, 9 and 10. ... My delegation welcomes the consideration given by the Special Rapporteur and the Drafting Committee to the relationship between their work and the Rome Statute. ... As my delegation previously stated on the introduction to this topic, we do not wish to see the work of the Commission on this topic divert attention away from the international initiative towards the development of a Multilateral Treaty for Mutual Legal Assistance and Extradition in the Domestic Prosecution of Atrocity Crimes and we therefore welcome the Special Rapporteur's engagement with officials from the countries which initiated this project. ... Given that these issues will overlap significantly with the subject matter of the proposed Multilateral Treaty, we encourage the Special Rapporteur to continue liaising with these officials."	Neutral	http://statements.unmeetings.org/media/2/7663514/ireland.pdf
Israel	Shoshi Reshef Mor	Fri. Oct. 28th, 2016, 10:26-10:30AM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work on the topic of "Crimes against Humanity". ... Israel believes that effective codification of the customary crimes against humanity would benefit the entire international community and therefore welcomes the process in this regard. However, such codification efforts also raise certain questions, which will need to be considered as the codification efforts advance. For example, Israel urges States to be cautious when considering the establishment of mechanisms for the enforcement of or adherence to such proposed treaty; ... The Government of Israel would be honored to contribute to the drafting process of the new proposed treaty, based on the experience gained during Israel's efforts to adopt domestic legislation addressing the prohibition of crimes against humanity under customary international law. ... "	Strong Positive	http://statements.unmeetings.org/media/2/7663331/israel.pdf
Malaysia	Ms. Hartini Ramly	Fri. Oct. 28th, 2016, 4:07-4:21PM	"Malaysia records its gratitude to the Second Report on Crimes Against Humanity (A/CN.4/690) prepared by Mr. Sean D. Murphy, Special Rapporteur for the topic ... Bearing in mind that there are already various multilateral treaties which address crimes against humanity, for example, the Rome Statute, Malaysia wishes to reiterate its concern that it is premature to conclude that the time is ripe for the adoption of new international instrument on the issue of crimes against humanity. Finally, Malaysia wishes to reiterate its recommendation to the ILC to focus on drafting a guidelines or sample of articles relating to Crimes Against Humanity which may be adopted or be used as guidance for States in developing domestic legislations on Crimes Against Humanity. Malaysia further reiterates ... that the draft Articles should be drafted prudently to ensure that any further work on this should not overlap with existing regimes, but rather to complement it. "	Negative	http://statements.unmeetings.org/media/2/7663382/malaysia.pdf
Mexico	Delegation of Mexico	Fri. Oct. 28th, 2016, 3:18-3:33PM	***UNOFFICIAL TRANSLATION*** "Mexico commends the International Law Commission for the work done over the past two years on crimes against humanity and for the provisional adoption of ten draft articles and their respective comments. We congratulate the Special Rapporteur, Mr. Sean Murphy, since his projects reflect in a structured and clear manner a deep investigation in the matter. ... We agree with the importance that this project does not duplicate, but complement, the obligations contained in existing treaties on international criminal law and human rights. The added value of this exercise would be the codification of a direct international obligation of States to establish and punish crimes against humanity and to provide mutual legal assistance and cooperation for their investigation and prosecution. ... We note with satisfaction that the references to forms of authorship and participation, the rejection of superior orders as exempt from liability and the non-enforceability of crimes follow the standards contained in the Rome Statute of the International Criminal Court. ... We believe that the decision to include an article on the liability of legal persons for the commission of crimes against humanity should be treated with caution and merited further reflection. ..."	Positive	http://statements.unmeetings.org/media/2/7663372/mexico.pdf
Netherlands, The	Dr. Liesbeth Lijnzaad	Fri. Oct. 28th, 2016, 3:40-3:55PM	"First of all I wish to congratulate and compliment the Special Rapporteur on Crimes against Humanity, Professor Sean Murphy, on the excellent work on the second report and the six additional draft articles regarding crimes against humanity. ... We agree with the Special Rapporteur's conclusion that, in order to be truly effective, the enforcement of crimes against humanity should take place at the national level. ... Another matter of concern to us is that a convention on the prohibition of crimes against humanity should include provisions on mutual legal cooperation and assistance between states. ... to ensure that it will be truly effective, we suggest specifically addressing additional manners of cooperation and assistance in the next report. In this respect I would also like to take this opportunity to again draw attention to the initiative to conclude a new multilateral treaty on Mutual Legal Assistance and Extradition for the domestic prosecution of the most serious international crimes. ... We would welcome close cooperation between the ILC and the promoters of the initiative to improve legal cooperation in the area of combating the most serious international crimes."	Neutral	http://statements.unmeetings.org/media/2/7663392/netherlands.pdf

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Peru	Doctor Juan José Ruda Santolaria	Thurs. Nov. 3rd, 2016, 10:16-10:24AM	***UNOFFICIAL TRANSLATION*** "On the subject of "crimes against humanity", my delegation welcomes the work of the Special Rapporteur whose ultimate goal would be a possible future international convention on crimes against humanity. ... In this regard, my delegation reaffirms that - since there is a legal framework for crimes against humanity (which is formed, inter alia, by several international conventions, as well as by the Statutes of various international courts and tribunals), it is important to emphasize that these draft articles do not seek to replace or compete with this legal framework, but to complement it, ... [M]y delegation received with interest the second report of the Rapporteur..."	Positive	http://statements.unmeetings.org/media/2/7663655/peru.pdf
Poland	Mr. Andrzej Misztal	Fri. Oct. 28th, 2016, 3:55-4:07PM	"Poland commends Special Rapporteur Sean Murphy for his second report and welcomes adoption by the Commission of six new draft articles regarding the topic "Crimes against humanity". We are of the view that the preparation of draft articles on this topic is of particular importance. This endeavor can close the regulatory gap in combating the most heinous crimes under international law. Poland takes this opportunity to present several specific comments. ..."	Positive	http://statements.unmeetings.org/media/2/7663374/poland.pdf
Portugal	Professor Patrícia Galvão Teles	Fri. Oct. 28th, 2016, 12:36-12:44PM	"I would like to begin my commending the Special Rapporteur, Mr. Sean Murphy, for the detailed report presented this year. ... Portugal considers that the Commission must conduct its study on this subject with caution and resorting to the existing rules and practice so as to prevent entering into conflict with the existing legal framework dealing with crimes against humanity. Particularly, the Rome Statute and the language contained therein should continue being one of the key references to the work of the ILC ... Overall, the draft articles presented this year constitute a good basis and the Commission should continue to look into solutions already adopted while drafting. ... Portugal will continue following with the utmost interest the work of the Commission on this topic, namely in what regards the provisions on judicial cooperation, which can contribute to the fight against impunity and ensuring accountability where crimes against humanity are committed."	Positive	http://statements.unmeetings.org/media/2/7663366/portugal.pdf
Romania	Mrs. Alina Orosan	Fri. Oct. 28th, 2016, 12:12-12:20PM	"The Romanian delegation would like to express its gratitude to the International Law Commission for the work on the topic of "crimes against humanity", which resulted in the provisional adoption of six new articles, and to its Special Rapporteur, Mr. Sean D. Murphy, for a very detailed report on the subject. ... Turning to the draft articles provisionally adopted at this session of the Commission, ... Having said that, I would like to emphasize that Romania will pay to consideration to the future work of the Commission on this very topic which we deem of particular importance for consolidating the international and national legal framework for combating the most serious crimes and fighting impunity."	Positive	http://statements.unmeetings.org/media/2/7663342/romania.pdf
Russian Federation	Representative of the Russian Federation	Fri. Oct. 28th, 2016, 10:52-11:04AM	"We would like to thank the members of the Commission and its Special Rapporteur prof. Sean Murphy for their work on the draft convention on combating crimes against humanity. We would like to offer the following comments on the provisions of the draft. ..."	Neutral	http://statements.unmeetings.org/media/2/7663345/russia.pdf
Singapore	Mrs. Natalie Y. Morris-Sharma	Fri. Oct. 28th, 2016, 3:33-3:38PM	"My delegation thanks the International Law Commission for its report on the topics "Crimes against Humanity", We continue to follow all three topics with great interest."	Neutral	http://statements.unmeetings.org/media/2/7663378/singapore.pdf
Slovakia	Mr. Metod ŠPAČEK	Fri. Oct. 28th, 2016, 5:40PM	"Allow us to address first the topic Crimes against humanity. We commend Special Rapporteur Sean Murphy for his second report and for retaining the approach to the topic, which is overall satisfactory. We welcome provisional adoption of another 6 draft articles as well as commentaries thereto. ... The idea of criminal liability of legal persons, especially with respect to crimes against humanity, is indeed challenging. We will closely follow how this liability develops in further work. ... We fully support also all other draft articles, ... Once again I would like to express our endorsement of the work of Special Rapporteur and the Commission and our hopes that the further reports will keep the same approach and direction as those previous. Let me once again stress that the decision to handle the topic with a vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic, was the right and wise decision."	Strong Positive	http://statements.unmeetings.org/media/2/7663394/slovakia.pdf
Slovenia	Mr. Borut Mahnič	Fri. Oct. 28th, 2016, 4:51-4:59PM	"With respect to Chapter VII: Crimes against humanity, Slovenia welcomes the six new draft Articles with commentaries thereto that deal with substantive elements ... Given the number of states parties to the Rome Statute, which includes crimes against humanity, it is important that the work on this topic continues to proceed in a manner that is complementary to the system of the Rome Statute. Slovenia therefore welcomes the fact that the Rome Statute framework was followed ... Looking ahead, Slovenia considers that it would be necessary to assess the compatibility and the relationship of any future monitoring mechanism with the existing relevant mechanisms."	Positive	http://statements.unmeetings.org/media/2/7663385/slovenia.pdf

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Spain	Prof. José Martín Y Pérez De Nancraes	Fri. Oct. 28th, 2016, 3:07-3:18PM	"As regards Chapter VII, dedicated to crimes against humanity, Spain would like, firstly, to congratulate Mr Sean D. Murphy on his second report, and the Commission on its draft articles and commentaries, which have been approved provisionally. We are aware of the inherent difficulty of this matter, of the wide variety of contentious issues that it raises, and of the internal divide that has occurred within the Commission. Even separating crimes against humanity from other crimes, such as genocide and war crimes, is a decision involving more than a few problems. It is no surprise, therefore, that the report is excessively detailed ... In any case, generally speaking, we consider the new draft articles appropriate and balanced. Moreover, they follow the model of treaties concerning offences and crimes. My Delegation believes, nonetheless, that certain issues of enormous significance still need more in-depth analysis. I will mention, by way of example, military tribunals, amnesty, the liability of legal persons, extradition issues or States' margin of appreciation. We also have the impression that on a good number of occasions the reason why one option is chosen over another, when there are several legal possibilities, could be more clearly indicated. ... "	Neutral	http://statements.unmeetings.org/media/27663371/spain-eng.pdf
Sudan	H.E. Mr. Omer Dahab Fadl Mohamed, Permanent Representative of the Republic of the Sudan to the United Nations	Fri. Oct. 28th, 2016, 12:01- 12:12 PM	***UNOFFICIAL TRANSLATION*** "I would like to inform my delegation that the second report by the special rapporteur regarding Crimes Against Humanity has been ratified including article 5 to 10 by the Committee, and the Committee conveyed the legal persons responsibility to the Drafting Commission. To that end, I would like to mention the following: If the purpose of such report is to solve multiple procedures that countries should follow within their domestic laws sphere regarding crimes against humanity, those countries must be granted their rights to exercise their judicial jurisdictions as a necessary recognition for those countries to exercise a sovereign right stated in the international canons, whether they are written or customary. Mentioning that this report is based upon texts, references, and heritage of the International Criminal Courts requires caution and carefulness. For instance, Nuremberg Court and Tokyo Court were for subjection of the defeated countries to the triumphed countries, so the underlying objective of these courts is retaliation within legal and just trials. And it has been the case where the nature of these courts is political and partial. ..."	Negative	http://statements.unmeetings.org/media/27663340/sudan.pdf
Switzerland	Swiss Delegation	Thurs. Oct. 27th, 2016, 5:13-5:20PM	"Switzerland would like to thank the International Law Commission and the Special Rapporteur on Crimes against Humanity for their work. The topics dealt with during the commission's 68th session concerned key articles of the future convention, ... rightly based on the existing international legal framework. ... Switzerland views favourably the programme of work for a convention on crimes against humanity as proposed in the Second Report of the Special Rapporteur. The next set of draft articles would address such fundamental issues as mutual legal assistance and extradition. We are hopeful that the existing international legal framework will be duly taken into account in the work on those questions and that provisions for safeguarding the primacy of national jurisdictions will be included where appropriate. Finally, we welcome the rapporteur's recommendation that the Commission seek ways to avoid any conflicts with the terms of other agreements such as the Rome Statute, a matter that we consider indeed to be essential."	Positive	http://statements.unmeetings.org/media/27663314/switzerland.pdf
United Kingdom	Mr. Christopher Stephen	Thurs. Oct. 27th, 2016, 5:26-5:33PM	"The United Kingdom welcomes the second report of the Special Rapporteur, Mr. Sean Murphy, on the topic of Crimes against humanity. The United Kingdom agrees that there is currently no general multilateral framework governing crimes against humanity. We continue to see benefit in exploring how an extradite or prosecute regime in respect of such crimes could operate. The United Kingdom appreciates the careful consideration that the Special Rapporteur, the Drafting Committee and the Commission as a whole have given to the inter-relationship between their work and the Rome Statute of the International Criminal Court. As we have previously emphasised, and as the Special Rapporteur and Commission clearly intend, a future convention on this subject will need to complement, rather than compete with, the Rome Statute by facilitating national prosecutions and thereby strengthening the complementarity provisions of the Rome Statute. As work on this topic continues, the United Kingdom underlines that it would not welcome the expansion of the scope of this investigation into issues such as civil jurisdiction and immunity. It is important that a future convention should be widely ratified, and the United Kingdom would therefore continue to urge the Commission to continue to keep the draft simple, along the model of earlier aut dedere aut iudicare conventions. Finally, the United Kingdom would urge the Commission to complete work on this topic as swiftly as possible."	Positive	http://statements.unmeetings.org/media/27663321/united-kingdom-of-great-britain-2-.pdf
United States of America	the United States	Fri. Oct. 28th, 2016, 5:22PM	"Mr. Chairman, the United States continues to follow with great interest the Commission's work on the topic of "crimes against humanity." Special Rapporteur Sean Murphy brings tremendous value to bear in the Commission's work on this topic, including the challenging questions that this topic raises. ... Because crimes against humanity have been perpetrated in various places around the world, including by non-State actors, the United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable. ... We are continuing to study the ILC's ten draft articles and commentary on this topic carefully, as they present a number of complex issues, on which we are still developing our views. We are deeply grateful to Special Rapporteur Murphy and to the other members of the Commission for their work on a topic of such importance, and we eagerly look forward to their continued efforts."	Neutral	http://statements.unmeetings.org/media/27663391/us.pdf

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Viet Nam	Mr. Pham Ba Viet	Fri. Oct. 28th, 2016, 4:43-4:44PM	"On this topic, we note with appreciation the works and efforts of the Special Rapporteur, Mr. Sean D. Murphy that have resulted in the provisional adoption of draft articles 1 through 4, and the second report for the consideration of articles 5 through 10. My delegation supports the drafting of a convention on crimes against humanity so as to fill in the gap that currently exists in the framework of international criminal, humanitarian, and human rights laws, and thereby address the issue of impunity. We are of the view that many of the provisions contained in draft articles 5 through 10 ... are reflective of customary international law. There is, however, a particular provision that deviates from such norms and practices, and is of concern to our delegation, which is the obligation to establish the liability of legal persons for offences referred to in the draft articles. ... Therefore, it is our view that the sanction against acts of legal persons should be dealt with by national laws of States and should be excluded from the draft articles."	Positive	http://statements.unmeetings.org/media2/7663384/viet-nam.pdf

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STRONG POSITIVE	5	13%
POSITIVE	21	55%
NEUTRAL	8	21%
NEGATIVE	4	11%
STRONG NEGATIVE	0	0%

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Algeria	Statement by Algeria	Wed. Oct. 25, 2017, 3:46-3:53 PM	"Although we recognize that crimes against humanity constitute one of the most serious violations of international law, we consider that this topic should be carefully addressed bearing in mind the existence of legal framework dealing with various multilateral treaties relating to crimes against humanity. As far as the draft articles are concerned, we would like to make the following remarks: We note the absence of a provision on immunity, draft article 6 paragraph 5 imports the equivalent of Art 27 paragraph 1 from the Rome Statute pertaining to the irrelevance of a person's official position for purposes of substantive criminal responsibility in the context of allegations of the commission of crimes against humanity. In this regard, it must be clearly stated that the inclusion of this paragraph is "without prejudice" to the Commission's topic on immunity of state officials from foreign criminal jurisdiction. We note that draft article 12 on victims, witnesses and others, does not provide any definition of 'victims'. Therefore, some clarification needs to be provided in this regard. Paragraph 3 of article 12 is unclear on what the duty on the state to provide reparations and other remedies for victims entails. An additional point that we wish to make is with regard to the absence of a reference in the Draft articles to amnesties. Amnesty had been used by many States and proved to be an important tool to achieving peace. The Commission should be considering this important aspect by examining the numerous examples of amnesty laws."	Neutral	http://statements.unmeetings.org/media2/16154419/algeria.pdf
Argentina	Statement by the Argentine Delegation	Wed. Nov. 01, 2017, 10:21-10:32 AM	*** UNOFFICIAL TRANSLATION*** "With regard to the project on crimes against humanity, I wish to commend the work of the Special Rapporteur, Sean Murphy, who allowed the presentation of his third report), and the adoption by the Commission of articles 1 to 17, and its remission for comments from the States until December 1, 2018...it is noted that, as long as articles 1 to 15 are based on the background in other international instruments that sanction international crimes, in particular the Rome Statute of the International Criminal Court, you can advance in the development of this subject without running the risk of contradicting the agreements reached by the international community in this respect. In this regard, we welcome that the provisions of the articles adopted by the Commission at its last session are based on those instruments and in the experience gathered in international tribunals. In particular, the consecration of principles such as the "aut dedere aut judicare" or the one that prevents considering a crime against humanity as a political crime, for the purposes of an application for extradition. However, it should be noted that no provisions have been included that prevent the granting of amnesties or pardons for this type of crime." ... "In this regard, it is recalled that the Argentine Republic, together with Belgium, Slovenia, the Netherlands and Senegal, promotes an initiative for adoption of a multilateral instrument of legal assistance and extradition for Crimes against humanity, war crimes and genocide, to which we invite to adhere to all States. In this regard, we understand that this initiative is complementary, in those aspects in which it refers to crimes against humanity, of which proposed in the Special Rapporteur's draft and, consequently, both could co-exist as long as there is an adequate correlation between its provisions.	Positive	http://statements.unmeetings.org/media2/16154861/argentina.pdf
Australia	Assistant-Secretary, International Legal Branch, Department of Foreign Affairs and Trade, Mr. Michael Bliss	Mon. Oct. 23, 2017, 11:42-11:46AM	"Australia welcomes the Commission's extensive work on the topic of crimes against humanity and the adoption on first reading of a draft preamble, 15 draft articles, and a draft annex, together with Commentaries by the Commission. Australia thanks the Special Rapporteur, Mr Sean Murphy, for his leadership on this topic. We also thank the drafting Committee for its constructive engagement with the Special Rapporteur's proposals. We look forward to giving further consideration to the draft articles over the course of the coming year. The international community continues to grapple with a range of situations in which these crimes are being committed - crimes that deeply shock the conscience of humanity. Our common objective must be to prevent these crimes, to effectively punish the perpetrators, and to deter future atrocities. States need to abide by their international obligations, including with respect to crimes against humanity, and to condemn other States and non-State actors where such crimes are committed. We welcome the contribution the draft articles seek to make in complementing the legal framework set out in the Rome Statute of the International Criminal Court for dealing with crimes against humanity. ... Australia welcomes the importance the draft articles attach to the adoption of national laws and to the enhancement of inter-State cooperation for the investigation, prosecution and punishment of crimes against humanity. ... Australia considers that the Commission's work on this topic will contribute to the international community's efforts to prevent and punish these crimes and encourage States to implement effective legislative, administrative, judicial or other preventive measures as envisaged by draft Article 4."	Positive	http://statements.unmeetings.org/media2/16154203/australia.pdf
Austria	Ambassador Helmut Tichy	Mon. Oct. 23, 2017, 11:31-11:41 AM	"... Austria commends the Special Rapporteur, Mr. Sean Murphy, for his extensive third report addressing such important issues as extradition, mutual legal assistance, monitoring mechanisms and dispute settlement. We congratulate him and the Commission on the elaboration of the whole set of draft articles and commentaries. ... I would like to express Austria's support for the elaboration of an instrument, preferably a convention, regarding extradition and mutual legal assistance in cases of crimes against humanity. However, we all are also aware of other relevant international initiatives concerning legal cooperation with regard to the prosecution of atrocity crimes. In order to avoid duplication, the Commission should be fully informed about these initiatives to be able to take them into account. ... Permit me nevertheless already now to turn to some specific comments regarding the new draft articles 11 to 15 and the annex. ..."	Positive	http://statements.unmeetings.org/media2/16154198/austria.pdf
Belarus	Delegation of Belarus	Wed. Oct. 25, 2017, 12:02-12:09 PM	***UNOFFICIAL TRANSLATION*** "The Belarusian delegation wants to express its gratitude to Mr. Sean Murphy for his work on the topic Crime against Humanity. ... Undoubtedly, the project contributes to a progressive development of international law... We believe the project's structure and context fit all necessary criteria to become a statute of a convention. This convention promotes three goals: 1) unification of national criminal law; 2) improving cooperation in this area; and 3) formation of unique approaches towards the different aspects of crimes against humanity; its subject, object, etc. One of the positive aspects of this project is its precise interpretation of the legal terminology. ... There is a detailed list of measures which each state has to provide in its criminal law, including the non-acceptance of the statute of limitation for crimes against humanity."	Positive	http://statements.unmeetings.org/media2/16154382/belarus.pdf

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Brazil	Professor George Rodrigo Bandeira Galindo	Wed. Oct. 25, 2017, 3:35-3:46 PM	"Brazil welcomes the work undertaken by the Commission regarding the topic "crimes against humanity" and the adoption, on first reading, of a draft preamble, fifteen draft articles and a draft annex, as well as commentaries. The successful conclusion of the first reading marked a significant step towards a future convention. Such an instrument would be beneficial not only for promoting the harmonization of national legislation, but also for facilitating much-needed judicial cooperation in this realm. Brazil looks forward to submitting its full comments and observations in writing. At this stage, I just wish to make a comment on extradition - specifically on Article 13, paragraph 6. ... Brazil would welcome if the Commission exemplified, at least in the commentaries, different types of condition in national legislations that do not necessarily imply the refusal of an extradition request."	Positive	http://statements.unmeetings.org/media2/16154415/brazil.pdf
Bulgaria	Mr. Danail Chakarov	Thur. Oct. 26, 2017, 3:24-3:28 PM	"On the topic of "Crimes against humanity", we would like to congratulate the Special Rapporteur, Prof. Sean Murphy, and the Drafting Committee of the ILC for their excellent work addressing a number of situations around the world involving both state and non-state actors and concerning systematic attacks on the civilian population. We are very pleased in particular with the special focus given on victims and other affected persons. Their concerns and search for retribution are the main drivers for the creation and reform of systems worldwide. It is our understanding that the presented draft articles on crimes against humanity are well structured, they prescribe needed remedies and fills in the gaps in the current state of the international criminal system. We invite all countries to consider this topic in more detail, taking into account that it has been in the long-term program of the UN for quite some time now."	Positive	http://statements.unmeetings.org/media2/16154551/bulgaria.pdf
Chile	Ambassador Claudio Troncoso Repetto	Tues. Oct. 24, 2017, 12:37-12:50 PM	"[T]he item of "Crimes against humanity" still calls to mind the great projects undertaken by the Commission in the past, thereby opening the possibility of eventually converting this material into an international treaty instrument. ... This would strengthen international criminal law in a consolidated and consistent manner, thereby helping to prevent the impunity of the perpetrators of these grave crimes. ... Finally, in the area of international cooperation relating to crimes against humanity, we wish to highlight the initiative of pushing ahead with a multilateral treaty of universal scope, on mutual legal assistance and extradition ... This initiative is endorsed by our country, along with other States, and we believe that a dialogue should be launched between the sponsors of this initiative and the Special Rapporteur. We commend the work of the Special Rapporteur, Mr. Sean Murphy, and we look forward to a detailed analysis of the draft adopted at first reading, with a view to providing our comments during the coming year."	Positive	http://statements.unmeetings.org/media2/16154306/chile.pdf
China	Mr. XU Hong	Mon. Oct. 23, 2017, 12:11-12:17 PM	"My delegation appreciates the efforts of the Commission and the Special Rapporteur on this topic. In terms of the overall direction of the topic, China endorses the importance accorded to the prevention and punishment of crimes against humanity. We would like to make the following comments on the draft articles as contained in the report. First, many provisions of the draft articles lack empirical analysis. They derive mostly from analogous provisions of existing international conventions for combating international crimes, and rely primarily on the practice of international criminal justice organs without a comprehensive review of the existing practice and opinio juris of States. ... [T]he need for the draft articles to address the issue of <i>jus cogens</i> character warrants further studies. ... [W]ith respect to the definition of crimes against humanity as contained in draft article 2, and the detachment of the traditional element of "committed in time of armed conflict" ... we reiterate our reservation expressed at previous sessions. ... The attached commentary falls short of being convincing about the likelihood of actual participation of legal persons in the proscribed acts, and the necessity for criminalization under domestic law. This issue is better left to the autonomous decision of States."	Negative	http://statements.unmeetings.org/media2/16154538/china.pdf
Council of Europe	Ms. Marta Requena	Thurs. Oct. 26, 2017, 3:49-3:59 PM	"The Council of Europe welcomes the work of the ILC in this field and supports the initiative of addressing various actions to be taken by States under their national laws with respect to crimes against humanity. ... With regard to the Third Report of the Special Rapporteur, we would like to confine our comments to two issues: First, to the issue of "Victims, witnesses and other affected persons" ... and, secondly, to the issue of "Monitoring mechanisms and dispute settlement" ..."	Positive	http://statements.unmeetings.org/media2/16154558/councilofeurope.pdf
Croatia	Mr. Toma Gall	Wed. Oct. 25, 2017, 11:16-11:26 AM	"Croatia strongly supports the work of the Commission under the topic of "Crimes against Humanity" and welcomes the efforts aimed at developing a global international instrument for the prevention, prosecution and punishment of these crimes, having - at the same time - in mind, existing international initiatives in this field. We thank Mr. Sean Murphy and the Commission for their thorough and dedicated work on this important subject and transmission of the draft Articles for comments and observations. Croatia will carefully consider the draft Articles and provide the Commission with further detailed observations within the requested deadline."	Strong Positive	http://statements.unmeetings.org/media2/16154362/croatia.pdf
Cuba	Delegation of Cuba	Wed. Oct. 25, 2017, 4:13-4:19 PM	***UNOFFICIAL TRANSLATION***	Positive	http://statements.unmeetings.org/media2/16154442/cuba.pdf
Czech Republic	Mr. Martin Smolek	Wed. Oct. 25, 2017, 10:47-10:57 AM	"...the Czech Republic would like to express its sincere appreciation to the Commission and the Special Rapporteur, Professor Sean D. Murphy, for his outstanding work on this topic and for the adoption, on first reading, of the whole set of draft articles with commentaries. As regards the remaining draft provisions adopted this year ... we note with satisfaction that these provisions are based on an extensive analysis contained the report of the Special Rapporteur and reflect recent developments in relevant areas of international criminal law. ... [A]ready at this stage, we would like to express our general support for the elaboration of a convention regarding prevention, prosecution and interstate cooperation with respect to crimes against humanity. This endeavor goes in the same direction as the initiative of the Netherlands, Argentina, Belgium, Senegal and Slovenia to elaborate a new treaty on mutual legal assistance and extradition concerning prosecution of the most serious international crimes. We believe that both undertakings are highly relevant and compatible."	Strong Positive	http://statements.unmeetings.org/media2/16154352/czech-republic.pdf

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El Salvador	Statement by the Republic of El Salvador	Tues. Oct. 24, 2017, 10:57-11:10 AM	***UNOFFICIAL TRANSLATION*** "With regard to the theme "Crimes of Humanity", we wish to express our thanks to Mr. Sean Murphy for the presentation of his third report and for the elaboration of the projects of articles that reflect significant advances. Since the decision to include this topic in the work agenda of the Commission, our delegation highlighted the importance of starting the process aimed at elaboration of a project exclusively destined to crimes against humanity. In particular, the Republic of El Salvador considers that these international crimes constitute acts of gravity that denote a sense of cruelty to the human existence; for this reason, we reiterate our support for this agenda item and our willingness to collaborate with your good development ..."	Positive	http://statements.unmeetings.org/media2/16154285/el-salvador.pdf
El Salvador (on behalf of CELAC)	Statement by the Permanent Mission of El Salvador to the United Nations	Mon. Oct. 23, 2017, 11:04-11:11 AM	***UNOFFICIAL TRANSLATION*** "CELAC welcomes the work done by the Commission during its last session and takes note of the draft articles adopted under the following themes: 1) Crimes against Humanity, at first reading, the fifteen draft articles, their respective annexes and preambular paragraphs, including the recognition attributed to the prohibition of Crimes against Humanity as a peremptory norm of general international law...."	Neutral	http://statements.unmeetings.org/media2/16154190/el-salvador-on-behalf-of-celac.pdf
Estonia	Statement of the Republic of Estonia	Wed. Oct. 25, 2017, 12:42-12:46 PM	"...Estonia warmly welcomes the work and the significant achievements made by the Commission on this highly relevant topic. We thank Special Rapporteur Mr Sean Murphy for his detailed and comprehensive third report and for the preparation of the respective draft articles with their comments, which represents an important step towards the future convention for crimes against humanity. Since crimes against humanity still occur in today's world, strong legal measures are needed to prevent such crimes and punish the perpetrators. Regrettably, among the three core international crimes only crimes against humanity still lack a treaty that national laws, national jurisdiction and inter-State cooperation can build upon in the fight against impunity. Our common goal should be to prevent and to punish perpetrators of such crimes. The Commission's work to clarify the elements of crimes against humanity is a crucial element in this endeavor. The draft articles addressed in the third report aim to ensure effective prosecution of crimes against humanity - the pursuit of measures at the national level and of international cooperation, notably with respect to extradition and mutual legal assistance. ... Estonia welcomes the formulations of these draft articles that we consider appropriate and well balanced."	Strong Positive	http://statements.unmeetings.org/media2/16154398/estonia.pdf
France	Mr. Francois Alabrune	Mon. Oct. 23, 2017, 12:18-12:32 PM	"I would particularly like to commend the adoption after the first reading of the draft articles on "Crimes against humanity". France will submit detailed observations on this topic to the Commission before 1 December 2018."	Positive	http://statements.unmeetings.org/media2/16154215/france-e.pdf
Greece	Ms. Maria Telalian	Tues. Oct. 24, 2017, 11:30-11:42 AM	"At the outset I wish to commend on behalf of my delegation the Special Rapporteur, Mr. Sean Murphy, for his detailed and exhaustive Third report on this topic as well as the Commission for the adoption, on first reading, of a full set of Draft Articles on Crimes against Humanity.... Given the length of the Draft Articles and the accompanying Commentaries, the importance and complexity of the questions raised therein, as well as the fact that the Draft Articles have already been forwarded to States by the UN Secretary General for comments and observations by 1 December 2018, our remarks at this stage will be preliminary and limited only to the Draft Articles proposed this year by the Special Rapporteur, as they were adopted by the Commission...."	Positive	http://statements.unmeetings.org/media2/16154294/greece.pdf
Hungary	Dr. Réka Varga	Tues. Oct. 24, 2017, 12:15-12:21 PM	"Regarding Chapter IV (Crimes against humanity) of the Report, the Hungarian delegation wishes to commend Special Rapporteur Sean Murphy for his detailed and comprehensive Third Report. By the provisional adoption of seven draft articles and a draft preamble, the Commission has made enormous progress in the elaboration of a new convention in this field. Hungary agrees with the Chairman of the Commission that strong legal measures are needed to prevent crimes against humanity and to punish the perpetrators. Therefore, Hungary supports the Commission's concept to draw further attention to the need for prevention and punishment. The codification of such measures could help States to adopt and harmonize national laws relating to such conduct, thereby opening the door to more effective inter-State cooperation on the prevention, investigation and prosecution of such crimes. ..."	Positive	http://statements.unmeetings.org/media2/16155219/ilc_statement_hungary.pdf
India	Dr. V.D. Sharma	Tues. Oct. 24, 2017, 10:35-10:42 AM	"We would like to register our appreciation for the Special Rapporteur, Mr. Sean D. Murphy for his Third Report on the topic, 'Crimes against humanity'. ... [W]e reiterate our position concerning this topic in general that, considering the existing international mechanisms, including the International Criminal Court, available to deal with the subject matter of this topic including the measures relating thereto which are suggested in the draft articles, the necessity of Commission's work on this topic is still not clear. In our view, any work on this topic could lead to duplicating the efforts already undertaken in the existing regimes."	Negative	http://statements.unmeetings.org/media2/16154296/india.pdf
Indonesia	Delegation of the Republic of Indonesia	Wed. Oct. 25, 2017, 3:25-3:34 PM	"On the work of Crimes against Humanity, I would like to thank Special Rapporteur Mr. Sean Murphy for his Third Report, and express appreciation for his excellent work to bring to a successful conclusion the first reading of the draft articles on crimes against humanity, including the commentaries. Indonesia appreciates the Commission's effort to engage member states through information and comments requested. It demonstrates the Commission's cautiousness and efforts to accommodate the view of member states, which we consider to be crucial on this sensitive issue. Turning to the substantive part of the draft articles, my delegation appreciates that the draft covers both prevention and punishment of crimes against humanity. The prevention aspect undeniably plays a pivotal role in ensuring that a country is well-equipped, in all aspects, to prevent the commission of the crime and ensuring that should the crime occur, all the necessary tools are in place. Since the draft article 1s meant to be a legal Instrument, we suggest that in addressing the preventive measures, the draft shall be more specific and prescriptive, elaborating on all aspect of relevant preventive measures. ... Indonesia will continue to study the ILC's adopted draft articles and Its respective commentaries, to which we are still developing our position. We consider this topic to be very important as It aims to clarify the legal Issues Involved."	Positive	http://statements.unmeetings.org/media2/16154407/indonesia.pdf

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Iran	H.E. Mr. Abbas Bagherpour Ardekani	Wed. Oct. 25, 2017, 11:38-11:54 AM	"In sum and based on the points just alluded, we are not convinced, at this juncture, by the idea of a new convention on crimes against humanity. It goes without saying that the deficiency in implementing the present instruments on the matter would not be resolved with codification of the same provisions in a new instrument or even expanding the concept and changing its nature and scope of application. Accordingly, we recommend the Commission to opt for "draft guidelines" as a proper form for the final outcome of the work."	Strong Negative	http://statements.unmeetings.org/media2/16154374/iran-islamic-republic-of-.pdf
Ireland	Assistant Legal Adviser, Department of Foreign Affairs and Trade, Ms. Anne-Marie O'Sullivan	Wed. Oct. 25, 2017, 12:37-12:42 PM	"Ireland wishes to congratulate the Commission and the Special Rapporteur, Mr Sean D. Murphy, on the successful conclusion of its first reading of the draft articles on crimes against humanity and the commentaries thereto. We would like to commend the significant contribution of Mr Murphy to this topic which has seen the provisional adoption of a full set of draft Articles in three years. Ireland notes that a preparatory conference took place in the Netherlands last week on a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the most serious international crimes. ... [I]t is important that the Commission continues to communicate with the Convening States of this initiative as they progress work on this proposed new instrument, to guard against any potential fragmentation in this area of law."	Positive	http://statements.unmeetings.org/media2/16154394/ireland.pdf
Israel	Mr. Batzion BenDavid Gerzman	Wed. Oct. 25, 2017, 10:13-10:20 AM	"The Government of Israel would like to express its sincere appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of "Crimes against Humanity". Israel welcomed this process from the outset ... Israel believes that effective codification of customary crimes against humanity would benefit the international community as a whole. However, the process of codification raises certain questions which must be addressed. For example, Israel once again urges states to be cautious when considering the establishment of mechanisms for the enforcement of or adherence to the proposed treaty ... The state of Israel believes in the importance of achieving universality in accession and adherence to a future treaty on crimes against humanity. It is with this vital goal in mind that it stresses the importance of remaining in line with customary international law when codifying these crimes and their definitions. Creating a treaty which will allow for flexibility in States' implementation is conducive to this goal as well. ... We will continue to study the ILC's draft articles and commentary on this topic and would be honored to contribute and share comments and observations based on the experience gained during Israel's efforts to adopt domestic legislation addressing the prohibition of crimes against humanity under customary international law."	Strong Positive	http://statements.unmeetings.org/media2/16154397/israel.pdf
Italy	Min. Plen. Andrea Tiriticco	Mon. Oct. 23, 2017, 12:33-12:50 PM	"Italy wishes to congratulate the ILC and, in particular, the Special Rapporteur Sean Murphy for the progress made on the topic "crimes against humanity" and for the results achieved. The Third Report submitted to the Commission by the Special Rapporteur is a remarkable document, where doctrine and State practice are examined in a comprehensive and insightful manner. The Commission had a thorough discussion on the issue, which is reflected in the proposed draft articles with extended commentaries. Enhancing the legal framework to prevent and punish heinous crimes such as crimes against humanity is an important objective for today's world order. The draft before us provides an excellent basis for the possible conclusion of a global convention which would also cover the promotion of interState cooperation in that regard. ... [W]e wish to reiterate our support for the work of the Commission and for the general thrust of the draft articles on crimes against humanity. At the same time, we wish to add a few remarks on three specific points. The first point relates to the need, that Italy has consistently stressed, to avoid any conflict between the draft articles on crimes against humanity and the rights and obligations of States with respect to competent international criminal tribunals ... In sum, Italy wishes to congratulate once again the Commission and the Special Rapporteur for the draft articles submitted to us and stands ready to contribute to the work aimed at reaching the objective of an agreed text of a draft convention on the prevention and punishment of crimes against humanity."	Strong Positive	http://statements.unmeetings.org/media2/16154218/italy.pdf
Japan	Statement by Representative of Japan	Wed. Oct. 25, 2017, 12:30-12:36 PM	"The fight against impunity for the most serious crimes is an important issue for the international community as a whole. Japan acknowledges the importance of the work initiated by the Special Rapporteur, Mr. Sean Murphy, in drafting articles on "Crimes against humanity", which is one of the remaining issues in the fight against impunity. We also recognize its important role in filling the legal gaps between obligations of prevention and punishment of crimes against humanity, as demonstrated most notably by our consistent support for the work of the ICC. We thus commend the Special Rapporteur's contribution through his third report, which served as the basis for fruitful discussions among ILC members, and congratulate him on the provisional adoption of a series of draft articles. We would also like to express our deep appreciation for the constructive efforts of all members of the Committee to successfully conclude its first reading of the draft articles on "Crimes against humanity". ... We sincerely hope that the Commission will continue deliberation on this topic in a balanced and constructive manner, taking into account the relationship with existing regimes, including the ICC among others."	Positive	http://statements.unmeetings.org/media2/16154391/japan.pdf
Jordan	Secretary Thani Yazan Bzadok	Thurs. Oct. 26, 2017, 3:39-3:43 PM	***UNOFFICIAL TRANSLATION*** "My delegation generally supports the proposed texts relating to crimes against humanity, which will have a significant impact on the protection of the lives of millions of people exposed to such crimes, as well as a key step towards ending impunity. ... My country's delegation stressed that the draft convention does not conflict with the Rome Statute...which supports it in accordance with its provisions and allows States parties to implement their obligations under the law. ..."	Positive	http://statements.unmeetings.org/media2/16154556/jordan.pdf
Malawi	Mr. Necton Mhura	Wed. Nov. 01, 2017, 12:56-1:02 PM	"On the draft articles on Crimes against humanity, my delegation takes note of the articles and expresses appreciation to the Special Rapporteur for the work on this topic. My delegation wishes to urge the Commission to further study the articles on victims' right to get reparations. The issue that merits further consideration under this draft article 12 is the extent to which States will bear the burden of reparations, regard being had to the difficulties that may be associated with the discharge of that burden. My delegation is cognisant of the opportunity to give written comments by 1 December 2018 and will do so by that date so that practice of states in this area forms the basis for the articles."	Neutral	http://statements.unmeetings.org/media2/16154908/malawi.pdf

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Mexico	Statement by Mexico	Mon. Oct. 23, 2017, 12:01-12:10 PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"Mexico congratulates and thanks Special Rapporteur, Mr. Sean Murphy, and the International Law Commission, for adopting at first reading the fifteen draft articles on crimes against humanity, together with its preamble, annex and comments. The project is clear in its structure and meticulous in the legal foundation of your proposals. Regarding the text incorporated this last year, let me formulate the following specific comments: ... The added value of this set of articles will be not only to codify a direct international obligation of the States to criminalize and punish crimes against humanity, but also to provide cooperation and mutual legal assistance for their investigation and prosecution, filling the gap that currently exists in the matter. ... Mexico will formulate written observations on this project before December 1, 2018, within the period requested by the Commission, and is attentive to future developments in this regard."</p>	Positive	http://statements.unmeetings.org/media2/16154211/mexico.pdf
Mozambique	H.E. António Gumende	Thurs. Oct. 26, 2017, 3:18-3:23 PM	<p>Crimes against humanity are among the most serious crimes of concern to the international community as a whole. ... Mozambique is determined to cooperate and to lend its full support to the current world movement for preventing and combating crimes against humanity, in order to put an end to the impunity of perpetrators of those crimes and thus contribute to a better world of peace and security. In this regard, we would like to underscore the duty of every state to exercise its criminal jurisdiction, with respect to the crimes against humanity. Our common goal must be to prevent these crimes, to effectively punish the perpetrators whomever they may be. We need to abide by international law and condemn strongly any state or non-state actors involved in such crimes. In this regard, Mozambique considers that the work of the Commission on this important topic for the international community is of paramount importance to boost the international movement to deter and punish crimes against humanity. This movement represents an opportunity to mobilize the needed political commitment of all states in order to apply effective legislative, administrative and judicial measures, with the view to eradicate crimes against humanity. It is our hope and expectation that the final outcome of the ongoing work of the Commission will be enriched by member states' contributions and lead us to the draft articles for a future convention on the matter. I would like to conclude this statement by expressing the willingness of Mozambique to be part of the process and thus contribute for the urgent adoption of the future convention, an important international instrument to curb crimes against humanity.</p>	Strong Positive	http://statements.unmeetings.org/media2/16154549/mozambique.pdf
Netherlands, The	Dr. René Lefeber	Wed. Oct. 25, 2017, 10:58-11:15 AM	<p>"My government would like to congratulate the Commission on the successful conclusion of its first reading of the draft Articles on Crimes Against Humanity, and extend its compliments to the Special Rapporteur on Crimes against Humanity, Professor Sean Murphy, for all he has done to enable the swift and successful completion of the first phase of the work on this topic. ... I am pleased to note that the current draft brings us closer to the objectives identified in 2013. The obligation to establish national jurisdiction for these crimes combined with the obligation to investigate and prosecute, or extradite, alleged offenders is of crucial importance. ... A future Convention on Crimes against Humanity will - once adopted, ratified and implemented - help to strengthen the legal framework in order to provide accountability and fight impunity. Respecting the principle of complementarity, which rightly places the primary responsibility with States rather than with international structures, is key in this respect. ... [P]lease allow me to recall the joint Initiative led by Argentina, Belgium, the Netherlands, Slovenia and Senegal for a new treaty on mutual legal assistance and extradition ... Although there are convergent qualities between the MLA initiative and the ILC's ongoing work on crimes against humanity, there are also important differences, notably regarding the envisaged scope of application. We therefore consider that both initiatives are complementary, and that they can co-exist and be developed side by side."</p>	Positive	http://statements.unmeetings.org/media2/16154353/netherlands.pdf
New Zealand	Ms. Victoria Hallum	Wed. Oct. 25, 2017, 11:55 AM-12:01 PM	<p>"New Zealand acknowledges the work of Mr Sean D Murphy as Special Rapporteur for the topic of crimes against humanity, enabling the successful conclusion of the Commission's first reading of the draft articles on crimes against humanity. We congratulate the thorough analysis and thinking that went into these draft articles as evidenced by the comprehensive commentary provided. The Commission's work in this area presents an opportunity to address a gap in the international legal framework. We recognise that the focus of these draft articles is on addressing inter-state cooperation in national laws on the prevention of crimes against humanity. This would complement the Rome Statute, which makes provision for that cooperation but does not regulate it. Care is needed to ensure that any new obligations reinforce and promote existing international law mechanisms. Including by enhancing the existing complementarity regime of the International Criminal Court. ... New Zealand notes with interest the inclusion of new draft article 5 extending the principle of non-refoulement to persons where there are substantial grounds for believing that person may be subjected to a crime against humanity. We look forward to hearing more about the views of other states on this issue. ... New Zealand strongly supports crimes against humanity being criminalised under national laws and that States establish national jurisdiction to prosecute these crimes. We also welcome the obligation to protect and consider the rights of victims of crimes against humanity."</p>	Positive	http://statements.unmeetings.org/media2/16154379/new-zealand.pdf

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Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Wed. Oct. 25, 2017, 11:27-11:32 AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"[T]he Republic of Paraguay welcomes the Third Report presented by the Special Rapporteur ... and congratulates Mr. Sean D. Murphy in that capacity, for the significant efforts made to continue this topic in the debate. ... [T]his delegation supports the idea that this draft articles may take the form of a legally binding instrument and considers that its approval in the current framework of International Law, in particular in the field of International Humanitarian Law, International Criminal Law and International Human Rights Law, that highlights the fundamental need to prevent and punish such crimes, as well as the promotion of cooperation between States in this field. ... [M]y delegation believes that these draft articles should establish mechanisms for cooperation between the State. Likewise, it is important to point out that the draft articles are compatible with the Rome Statute and that it will contribute to the application of the principle of complementarity established in said instrument. ... In this regard, my country encourages Governments, international organizations and other interested parties that have not yet done so, to make their comments and observations on the draft articles in order to enrich the discussions on the subject and hopes that the work will be concluded successfully."</p>	Positive	http://statements.unmeetings.org/media2/16154368/paraguay.pdf
Peru	Ambassador Gustavo Meza-Cuadra Velasquez	Tues. Oct. 24, 2017, 10:25-10:34 AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"Regarding the draft articles on "crimes against humanity", approved at first reading and with comments (Chapter IV of the Report), my delegation would like first of all to congratulate the hard work of the Special Rapporteur, Mr. Sean Murphy... Peru supports a future Convention for the prevention and punishment of crimes against humanity... For the rest, my delegation, which still evaluates the various scopes of the project of articles, is pleased to note the inclusion of elements such as the definition of "crime against humanity" contained in the article 7 of the Rome Statute, the reference to the principle <i>aut dedere aut iudicare</i>, the principle of "no return", and the right to obtain reparation, among others. Likewise, we wish to highlight the importance of an article on the irrelevance of the official position. It is striking, however, the absence of a clear prohibition of amnesties of a general nature for crimes against humanity, considering especially the atrocious character of those crimes..."</p>	Positive	http://statements.unmeetings.org/media2/16154279/peru.pdf
Poland	Mr. Andrzej Misztal	Tues. Oct. 24, 2017, 12:51-12:59 PM	<p>"With regard to the topic "Crimes against humanity" Poland welcomes adoption by the Commission the set of draft articles on first reading. ... Poland considers work on this topic, leading to a draft convention, as of vital importance. ... [W]e welcome the new draft article on victims and witnesses. We are of the view that this provision could be supplemented by a definition of victim, determination of the scope of reparations and guaranteeing the right to establish and participate freely in organizations and associations with the aim to assist victims and protect their rights. We support also the current formulation of article 13 paragraph 6 which allows particular state to apply its national law as ground for refusal of an extradition. Such an approach enables individual states to follow its specific human rights obligation, if applicable, in this process. Additionally, we would like to recall our statements from previous years, when we said that it is worth to consider introducing to the draft a victim-oriented approach, with particular regard to the most vulnerable category of victims, notably children. ..."</p>	Strong Positive	http://statements.unmeetings.org/media2/16154310/poland.pdf
Portugal	Ms. Susana Vaz Patto	Mon. Oct. 23, 2017, 11:46-11:57 AM	<p>"I would like to begin by commending the Special Rapporteur, Mr. Sean Murphy, for his detailed and comprehensive report. Portugal also commends the Commission for having completed the first reading on this topic. ... Portugal continues to follow the work of the Commission on this topic with great interest and with high expectations regarding its outcome as a future international binding instrument. ... Portugal believes that the draft articles already presented by the Commission provide a solid and strong basis for the discussion about a future convention covering both the substantive and procedural aspects of this topic. Nonetheless, we would advise the Commission to proceed carefully when considering adopting solutions that have proved to be successful for other types of crimes. We should avoid falling into the temptation of simply transposing already existing regimes that were not designed for the specific context and legal nature of crimes against humanity. This is an issue that may have to be revised upon the second reading of the draft articles. Portugal will continue following with utmost interest the work of the Commission on this topic. Our hope is that this work will be an important contribution to the fight against impunity, ensuring accountability where crimes against humanity are committed."</p>	Positive	http://statements.unmeetings.org/media2/16154208/portugal.pdf
Republic of Korea	Counsellor for Legal Affairs, Mr. Seoung-Ho Shin	Wed. Oct. 25, 2017, 4:25-4:28 PM	<p>"My delegation would like to express its deep gratitude to the ILC for adopting the first reading on crimes against humanity and completing the draft convention within such a short period of time. We also would like to express our deep appreciation to the Special Rapporteur, Mr. Sean D. Murphy for his outstanding contributions. We will continue to support such endeavors for active discussion about the new convention on crimes against humanity. Let us now make some comments on the text of the draft. ...Our delegation would like to thank the Special Rapporteur and the Drafting Committee again for their relentless efforts in drafting the convention on crimes against humanity. We look forward to further discussions on the prospective convention."</p>	Positive	http://statements.unmeetings.org/media2/16154448/repulic-of-korea.pdf

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Romania	Mrs. Alina Orosan	Tues. Oct. 24, 2017, 12:22-12:36 PM	"We would like to express our gratitude for the impressive work done by the Special Rapporteur, Mr. Sean D. Murphy, which has enabled the Commission to swiftly conclude its first reading on the draft articles on crimes against humanity. We are also thankful for the very rich material provided as a basis for a possible global convention on prevention and punishment of crimes against humanity. ... [W]e appreciate the focus of the current draft articles on improving national measures, as well as on fostering more effective inter-State cooperation on the prevention, investigation and prosecution of such crimes. However, we highlight the fact that any new instrument in this field should not conflict with or undermine existing international law. Along these lines, the Romanian delegation has supported the approach of the Commission of not departing from the relevant provisions of the Rome Statute of the International Criminal Court and shares the view that the result of this exercise should be seen as a contribution to the implementation of the principle of complementarity under the ICC Statute. ... [W]e consider that the current draft articles on establishing jurisdiction meet the desired objective of leaving no safe haven for persons responsible for such offenses. ..."	Positive	http://statements.unmeetings.org/media2/16154304/romania.pdf
Russian Federation	Statement by the Representative of the Russian Federation	Tues. Oct. 24, 2017, 11:11-11:29 AM	***UNOFFICIAL TRANSLATION*** "This year the Commission adopted in the first reading the draft articles on the "Crimes against humanity". The Russian delegation is carefully reviewing this draft and intends to present its comments within the established timeframe."	Neutral	http://statements.unmeetings.org/media2/16154540/russian-federation-e-.pdf
Singapore	Mr. Lionel Yee Woon Chin	Mon. Oct. 23, 2017, 12:51-1:02 PM	"On the topic of "Crimes against humanity", we thank the Special Rapporteur, Mr Sean Murphy, for his third report on the topic ... We commend the Commission for adopting on first reading a preamble, fifteen draft articles and an annex, as well as the commentaries thereto. ... We note from Governments' written comments to the Commission and the debates in this Committee that States have varying views on the precise scope and ambit of key draft articles on the topic. Given this range of views, and the complexity and sensitivity of the subject matter, we are of the view that the topic would stand to benefit from further detailed consideration and we are undertaking such consideration. It is clear that the final outcome of the Commission's work on this topic should be produced taking into account States' views on the draft articles. On this note, our delegation notes and appreciates the Commission's request for Governments to provide comments on the draft articles on crimes against humanity."	Neutral	http://statements.unmeetings.org/media2/16154219/singapore.pdf
Slovakia	Mr. Metod ŠPAČEK	Tues. Oct. 24, 2017, 11:43-11:54 AM	"We would like highly commend the Special Rapporteur Professor Sean Murphy for his excellent third report, as well as the ILC for adopting on first reading draft preamble, 15 articles and annex together with commentaries thereto. I would like to renew our strong endorsement of the work of the Special Rapporteur and the Commission and express overall satisfaction on the decision to handle the topic with a clear vision to elaborate a convention on prevention and punishment of crimes against humanity from the very outset of the consideration of the topic. This was a wise and right decision. ... We would, however, recommend to the Commission to closely follow also various international initiatives aiming at strengthening mutual legal cooperation and assistance of states with regard to international atrocity crimes. With regard to the work of the Commission during the current session on this topic, allow me briefly address some particular issues. We are pleased to see that draft article 5 containing the implementation of the non-refoulement principle was included as a part of a broader concept of the obligation of prevention. ... We full-heartedly support the inclusion of draft article 12 on measures regarding victims, witnesses and other persons. ... We concur with the view that extradition may serve for some states as an option in fulfilling their aut dedere aut judicare obligation stipulated in draft article 10. ... We strongly support the inclusion of a dispute settlement mechanism in draft article 15... Although this draft article may still require some refinements..."	Strong Positive	http://statements.unmeetings.org/media2/16154297/slovakia.pdf
Slovenia	Mr. Borut Mahnič	Tues. Oct. 24, 2017, 10:46-10:56 AM	"In the context of the topic 'crimes against humanity', Slovenia wishes to express its appreciation for the outstanding contribution of the Special Rapporteur, Mr Sean D. Murphy, and his thorough third report, on the basis of which the Commission adopted the entire set of draft articles on crimes against humanity at first reading. The third report addressed many important issues, including mutual legal assistance and extradition. Slovenia will study this important work in detail with a view to submitting any possible comments and observations by the deadline. Slovenia wishes to recall the joint initiative of Argentina, Belgium, the Netherlands, Senegal and my country, for a new treaty on mutual legal assistance and extradition ... While we support the ILC's work on the topic of crimes against humanity, and will continue to contribute to its examination, Slovenia also recognises particular merit in the MLA initiative in that it seeks to offer a modern framework for mutual legal assistance and extradition for all three groups of the most serious crimes under international law. We believe that the MLA initiative and the topic of crimes against humanity have points in common, but there are also important differences between them. Therefore, we consider that both efforts are complementary and should co-exist and continue to develop side by side."	Positive	http://statements.unmeetings.org/media2/16154324/slovenia.pdf

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South Africa	Mr. Thembile Joyini	Wed. Oct. 25, 2017, 10:21-10:31 AM	"My delegation congratulates the Special Rapporteur, Mr Sean Murphy, on his report and commends him for the noteworthy progress that has been made on the topic of crimes against humanity. We thank the International Law Commission for the job well done on this topic... Closer cooperation between States is growing evermore necessary in an increasingly globalised world. The draft articles present a mechanism through which to strengthen cooperation in order to ensure accountability for crimes against humanity. Whilst international courts serve an important role in this regard, it is essential, in keeping with the principle of complementarity, that States remain the first line of defence in the investigation and prosecution of international crimes. And the draft articles present an opportunity for States to strengthen their domestic capacity in this regard. South Africa was amongst several States in 2013 to issue a joint statement emphasizing the need for a treaty to allow for inter-state cooperation in the investigation and prosecution of international crimes. In this regard, South Africa would have liked to see the inclusion of war crimes and genocide within the parameters of the draft articles. The delegation notes that there are steps underway to develop a multilateral convention focused on mutual legal assistance and extradition for all serious international crimes. Although States have been assured that the two initiatives are separate and distinct, it is important that the two initiatives should not conflict with one another. ... South Africa is thus by and large supportive of the draft articles. ..."	Positive	http://statements.unmeetings.org/media2/16154338/south-africa.pdf
Spain	Professor Jose Martin and Perez De Nanclares	Wed. Oct. 25, 2017, 10:32-10:46 AM	"...Delegation of Spain wishes, firstly, to congratulate Mr Sean D. Murphy on his third report, and the Commission on having successfully carried out the first reading of the draft articles. It is praiseworthy that this was done so quickly, especially considering that this is a complicated issue which raise many controversial questions. In general terms, the draft articles strike us as appropriate and balanced. Clearly, they are the result of deep reflection, and we find it deserves our positive appraisal. Thus, wishing not to expand too much in my spoken presentation, I will only comment on a few of their most notable and general aspects. ..."	Positive	http://statements.unmeetings.org/media2/16154346/spain-english-.pdf
Sudan	H.E. Mr. Omer Dahab Fadl Mohamed	Tues. Oct. 24, 2017, 12:01-12:14 PM	***UNOFFICIAL TRANSLATION*** "My delegation has been trying, for years, to strongly connect between the Rome Statute that established International Criminal Court, and clauses of the bill presented by the International Law Commission. We declared that we were and have been troubled by it. We warned to not link them because of the sensitivity of the issue, there was no consensus about the Rome Statute and the existence of great legal flaws. For instance, the definition of a crime against humanity, which was entirely adopted in the presented bill clause (3). In addition, throughout the bill steps, there was no consensus about the decisive definition that articulates crimes against humanity. ... Unfortunately, the Commission disappointed us by repeating what Rome Statute says without any modification. Therefore, it is filled with legal holes and flaws. ... If we look at clause (3) 6 of the bill, we found that immunity of states' presidents is controversial... For example, immunity of heads of states is recognized by international law both written or customary. It is also recognized by courts' precedents, such as International Court of Justice, by the general principle of law. ... In general, while we are waiting for bills to be referred to us as countries to submit comments and thoughts, my delegation believes that the time has not come to declare an international deed with respect to crimes against humanity."	Strong Negative	http://statements.unmeetings.org/media2/16154299/sudan.pdf
Sweden (on behalf of the Nordic countries)	Statement on behalf of the Nordic Countries	Mon. Oct. 23, 2017, 11:21-11:30 AM	"Crimes against humanity are among the most serious crimes of concern to the international community as a whole. ... We must redouble our efforts to end impunity for these heinous crimes. The Nordic countries therefore welcome the draft articles on crimes against humanity adopted by the Commission on its first reading. First, we would like to extend our compliments to the Special Rapporteur, Mr Sean D. Murphy, and express our deep appreciation and support for his thorough work on the third report and the new draft articles ... We would also like to take this opportunity to reiterate our commitment to this valuable project on the prevention and punishment of crimes against humanity, and thank the International Law Commission for the adoption in first reading ... We believe this to be a significant achievement. ... At this time we wish to draw attention to a few points in the current set of draft articles. The Nordic countries are pleased to see that the draft article on non-refoulement has been moved upwards in the draft. ... The Nordic countries fully support the obligation under draft article 6, which pertains to criminalization under national law. ... We would also like to highlight and give support to the draft article pertaining to the rights of victims of crimes against humanity, although we note that the draft article does not contain a definition of a victim of such crimes. ... The draft articles on crimes against humanity have a significant potential for great practical relevance to the international community. ... We will continue to support this project that we consider a welcome and timely contribution to the fight against impunity. The draft articles may serve as a good basis for a future convention on the prevention and punishment of crimes against humanity."	Strong Positive	http://statements.unmeetings.org/media2/16154196/sweden-on-behalf-of-nordic-.pdf
Switzerland	Swiss Confederation	Mon. Oct. 23, 2017, 11:58 AM-12:01 PM	***UNOFFICIAL TRANSLATION*** "Switzerland would like to thank the International Law Commission and the Special Rapporteur on crimes against humanity for their work. ... My delegation welcomes the fact that the draft preamble adopted during this session emphasizes the prevention of crimes against humanity, which we believe is as important as the punishment of these crimes. ... [W]e welcome the fact that these new draft articles are based on the existing international legal framework. The Commission also endeavors to prevent any conflict with treaty texts such as the Rome Statute, which we believe is essential. ... The draft convention seems to us to cover the main questions which arise in this field. One can nevertheless wonder whether the convention should not also settle the question of the concurrence of requests for extradition, at least by introducing some decision criteria ... The draft convention should, in our view, include a provision that extradition to such a country can only be granted if it gives assurances that the death penalty will not be required, imposed or carried out. For the rest, Switzerland welcomes the fact that the draft convention is concise and limited to the essential aspects and will closely follow the development of this question."	Positive	http://statements.unmeetings.org/media2/16154210/switzerland.pdf

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Thailand	Mrs. Vilawan Mangklatanakul	Tues. Oct. 24, 2017, 11:55 AM-12:00 PM	"On the topic of crimes against humanity, Thailand wishes to thank the Special Rapporteur, Mr. Sean Murphy, for his third report. We welcome the successful completion of the first reading of the draft articles by the Commission and wishes to make the following remarks. First, Thailand recognises the need for the effective prevention and suppression of crimes against humanity as a means to end impunity and safeguard the rule of law. We wish to express support for the Commission's work on this topic and we are positively considering the suggestion that these draft articles be developed into a convention on crimes against humanity. It is our view that such a convention will help facilitate national prosecutions and strengthen international cooperation between and among States in the suppression of crimes against humanity. Second, with respect to draft article 3, Thailand supports the Special Rapporteur's approach in defining "crimes against humanity" based on Article 7 of the Rome Statute. ... Third, in principle, Thailand supports the obligation to prosecute or extradite (<i>aut dedere aut judicare</i>) in draft article 10 ... However, ... it would be useful to seek greater clarification from State practice... Finally, Thailand supports draft article 13 on extradition and draft article 14 on mutual legal assistance... However, since these draft articles are modelled on provisions of existing treaties, which address different types of crimes, whether or not they are compatible with the provisions related to crimes against humanity remains the subject of debate and therefore requires further elaboration. In this regard, it would be useful for the Special Rapporteur to provide more detailed justification for his choices of model provisions."	Positive	http://statements.unmeetings.org/media2/16154298/thailand.pdf
Timor-Leste	Fonseca dos Santos Pereira	Thurs. Oct. 26, 2017, 3:43-3:48 PM	"My delegation would like to ... express our gratitude to Mr. Sean D. Murphy for the valuable effort in presenting his comprehensive report and drafting the articles pertaining to crimes against humanity. ... As a member State of the Rome Statute and signatory to the Universal Declaration of Human Rights, Timor-Leste fully supports all related international legal instruments and measures taken in regards to crimes against humanity, as defined in the draft article 3, which is in compliance with article 7 of the International Criminal Court Statute. ... In conclusion, my delegation believes that these judicial efforts are a significant contribution to end impunity and safeguard rule of law at the national and international level. Timor-Leste supports in principal the realization of the draft articles into an international legally binding instrument that would be effective in ending impunity for the perpetrators of crimes against humanity and prevent such crimes from happening."	Positive	http://statements.unmeetings.org/media2/16154557/timor-leste.pdf
Trinidad and Tobago (on behalf of CARICOM)	Statement by Permanent Mission of the Republic of Trinidad and Tobago to the U.N.	Tues. Oct. 31, 2017, 4:12-4:20 PM	"CARICOM reiterates its commitment and support and for the work completed by the ILC thus far on the draft articles on crimes against humanity. We also wish to commend Mr. Sean Murphy, the Special Rapporteur, for his continued hard work on the draft articles and report. Consistent with the principles of international law, we welcome article 6 which calls for States to take the necessary measures to ensure that crimes against humanity constitute offences under its criminal law. ... We also support the obligation for States to take necessary measures to ensure that the official position of alleged perpetrators does not exempt them from liability for crimes against humanity. Further, we join with others in underscoring the importance of article 12, which treats with the protection of the rights of children, witnesses, and others, which we believe is necessary for justice to prevail."	Positive	http://statements.unmeetings.org/media2/16154822/trinidad-and-tobago-on-behalf-of-caricom-.pdf
Turkey	Statement by Turkey	Wed. Oct. 25, 2017, 12:46-1:00 PM	"At the outset, my Delegation commends the Commission for the adoption of the draft articles and commentaries thereto. Albeit the concept of crimes against humanity originates from international law, it lacks global agreed rules and standards, unlike other crimes under international law. As noted in the report there is no global convention dedicated to preventing and punishing crimes against humanity and promoting inter-state cooperation in this regard, this legal vacuum should properly be addressed. ... Nevertheless, we wish to underline that the proposed rules, concepts and mechanisms should be established with utmost diligence, in an unhurried manner and full clarity. Crimes against humanity have highly political nature as well, by definition involving state officials. It poses the risk to be exploited for political reasons. This risk is especially embedded in draft article 7 ... We are of the view that the provision should further be analyzed and prudently drafted. ... [W]e encourage further debate on the fundamental issues prior to other mainly procedural aspects ... It is argued that a major deviation from the definition in the Rome Statute may cause a dilemma for the state parties of the Statute. However, one should also bear in mind disregarding non-state parties' concerns may also lead to that only state parties to the Rome Statute embrace those rules, but others opt out of it. In order to establish broad-based rules, we suggest further discussion as to more elucidation of the concepts. ..."	Neutral	http://statements.unmeetings.org/media2/16154400/turkey.pdf
Ukraine	Statement of the Delegation of Ukraine	Thurs. Oct. 26, 2017, 3:35-3:39 PM	"As our country is suffering from Russia's aggression, we would like to emphasize Chapter IV of the Report «Crimes against humanity». ... Establishing universal legal framework for crimes against humanity has critical importance given the fact that there is no global convention dedicated to preventing and punishing crimes against humanity and promoting inter-State cooperation in that regard, even though crimes against humanity are likely no less prevalent than genocide or war crimes. We also express hope that these draft articles would become a Convention on the Prevention and Punishment of Crimes against Humanity, as was envisaged in proposal of the Commission at its sixty-fifth session in 2013."	Strong Positive	http://statements.unmeetings.org/media2/16154555/ukraine.pdf

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United Kingdom	Assistant Legal Adviser, Mr. Stephen H. Smith	Tues. Oct. 24, 2017, 10:15-10:24 AM	"The United Kingdom welcomes the third report of the Special Rapporteur, Mr. Sean Murphy, on the topic of crimes against humanity, and congratulates the Commission on the completion on first reading of a complete set of draft articles. ... The United Kingdom acknowledges that there is currently no general multilateral framework governing the national prosecution of crimes against humanity. As such, we continue to see benefit in exploring how an extradite-or-prosecute regime in respect of such crimes could operate. The United Kingdom appreciates the careful consideration that the Special Rapporteur, the Drafting Committee and the Commission as a whole have given to the inter-relationship between their work and the Rome Statute of the International Criminal Court. ... A new convention could facilitate national prosecutions, thereby strengthening the complementarity provisions of the Rome Statute. The United Kingdom recalls its position that the expansion of the scope of this work into issues such as civil jurisdiction and immunity would be unhelpful. It is important that a future convention should be ratified widely, and to that end the United Kingdom welcomes the fact that the Commission has kept the draft relatively simple, ... Turning briefly to the draft articles themselves ..."	Positive	http://statements.unmeetings.org/media2/16154277/united-kingdom.pdf
United States of America	Mr. Richard Visek	Wed. Oct. 25, 2017, 3:53-4:13 PM	"Mr. Chairman, the United States continues to follow with great interest the commission's work on the topic of crimes against humanity. Special Rapporteur Sean Murphy brings tremendous value to bear in the commission's work on this topic, including the challenging questions that this topic raises. ... Because crimes against humanity have been perpetrated in various places around the world, including by non-state actors, the United States believes that careful consideration and discussion of draft articles for a convention on the prevention and punishment of crimes against humanity could also be valuable. As we have previously noted, this topic's importance is matched by the complicated legal issues that it implicates. We are continuing to review the ILC's completed draft articles and commentary on this topic carefully, as they present a number of complex issues on which we are still developing our views. We are deeply grateful to Professor Murphy and to the other members of the commission for their work on a topic of such importance, and we eagerly look forward to providing our views to the commission."	Neutral	http://statements.unmeetings.org/media2/16154561/united-states-of-america.pdf
Viet Nam	Statement by Delegation of Viet Nam	Wed. Oct. 25, 2017, 4:20-4:24 PM	"On the topic of "Crimes against humanity", at the outset we wish to extend our appreciation to Mr. Sean D Murphy for his third report...My delegation in principle supports the punishment of crimes against humanity on the basis of respect for national sovereignty and non-intervention in domestic matters of other States, consistent with the principles enshrined in the Charter of the United Nations. On the other hand, against the various challenges that are facing the International Criminal Court in investigating and prosecuting serious international crimes, we believe that more consideration needs to be given to the necessity and effectiveness of an international treaty dealing with crimes against humanity. Regarding the provisions on the prosecution of criminals, Viet Nam is of the view that the principle of complementarity should be upheld, thus priority needs to be given to the jurisdiction of national courts in dealing with crimes against humanity. Similarly, disputes on the interpretation and implementation of the Convention should be first settled by the concerned States before submitting to any international court or tribunal. ... Particularly, my delegation reiterates our position at the previous session that the criminal liability of legal persons has yet to gain wide acceptance in international law, thus that the sanction against acts of legal persons should be dealt with by national laws of States and should be excluded from the Convention..."	Neutral	http://statements.unmeetings.org/media2/16154436/viet-nam.pdf

SUMMARY TABLE		
STATES AND ENTITIES COMMENTING	55	
STRONG POSITIVE	10	18%
POSITIVE	33	60%
NEUTRAL	8	15%
NEGATIVE	2	4%
STRONG NEGATIVE	2	4%

Summary of Responses (2013-2017)

	68th Session (2013)	69th Session (2014)	70th Session (2015)	71st Session (2016)	72nd Session (2017)	TOTAL	%	Overall %
Strong Positive	0	3	4	5	10	22	12%	65%
Positive	10	11	22	21	33	97	53%	
Neutral	9	10	8	8	8	43	24%	24%
Negative	3	2	2	4	2	13	7%	11%
Strong Negative	2	1	2	0	2	7	4%	
TOTAL	24	27	38	38	55	182		

Code	
Strong Positive	Emphatic yes - key words include: "strong support"; "strong consideration"
Positive	Qualified yes, may offer some suggestions for improvement - key words include: "welcomes"; "supports"
Neutral	Does not take a position, may support another project - key words include: "offers congratulations"; "noting"; "noting with interest"; "stress need for study"
Negative	Querying the project as a whole or in part - key words include: "queries"; "takes issue with"; "doubts"; "concerned"
Strong Negative	Emphatic rejection - key words include: "no need"; "doesn't meet criteria"; "bad idea"; "rejects"

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity
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73rd SESSION OF THE UNGA Sixth Committee (2018)					
COUNTRY	NAME OF SPEAKER	DATE & TIME	STATEMENT	STATEMENT CODE	HYPERLINK
Holy See	H.E. Archbishop Bernardito Auza Apostolic Nuncio, Permanent Observer of the Holy See	Tues. Oct. 30, 2018, 3:44-3:48 PM	<p>The Report of the International Law Commission notes that, according to some members, the fact that half or even the majority of countries of the world has not yet enacted criminal provisions on the offenses prohibited by ius cogens, such as crimes against humanity, apartheid and the crime of aggression, may reveal that there is no customary duty to exercise national criminal jurisdiction over those offences when committed on their territory or by their nationals. ^ My Delegation cannot share such a conclusion: the absence of domestic legislation should not be construed as a lack of opinio iuris in support of a customary duty to prosecute the most serious crimes that offend the conscience of humankind.</p> <p>At the same time, the lack of domestic legislation, regarding especially the prosecution of crimes against humanity, is a matter of outmost concern. Far too often minorities are targeted for subjugation, enslavement, forced exile, human trafficking, ethnic cleansing and other crimes against humanity. Neither war nor civil strife are an excuse for such actions. The Holy See calls in the strongest terms for the prevention of such acts, the prosecution of those who commit them, and the protection of their victims, and urges all nations to uphold their duty to humanity to protect and support people in vulnerable situations.</p> <p>The 2005 World Summit Outcome document, in defining the Responsibility to Protect, establishes that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The international community is therefore called upon to assist States with fragile institutions perform this responsibility and support them in establishing an early warning capability. [...]</p> <p>The Holy See encourages the continued efforts by this Committee to develop a new global convention on preventing and punishing crimes against humanity. Such treaty must focus squarely on codifying existing customary law and promote international judicial cooperation. Adding new offenses, before State practice and opinio iuris have fully developed, would not be conducive to a broad consensus. Indeed, such a convention would provide a mechanism to help fulfill the international community's obligation to protect populations from crimes against humanity through collective and diplomatic actions.</p>	Positive	http://statements.unmeetings.org/media2/20305065/holy-see-82-cluster-2.pdf

SUMMARY TABLE	
STATES AND ENTITIES COMMENTING	1
STRONG POSITIVE	0
POSITIVE	1
NEUTRAL	0
NEGATIVE	0
STRONG NEGATIVE	0

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Written Comments & Observations Submitted by Governments on the ILC's First Reading of Draft Articles on Crimes Against Humanity (2018)			
COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Argentina	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"The Argentine Republic has the honor to submit the following comments and observations to the International Law Commission regarding the draft articles on "Crimes Against Humanity" as requested by the Commission at its 69th session (2017)... The [MLA] treaty will establish a uniform, detailed and modern set of restrictive rules on international legal assistance and extradition of these three crimes, based on existing definitions, which will not be reopened, and on modern MLA and extradition provisions, including in the most recent international criminal treaties and widely, if not universally, ratified. The Commission's project focuses on crime against humanity, its universal conventional criminality, prevention and prosecution; while the "MLA Initiative" aims to provide tools for international cooperation between States that wish to strengthen as soon as possible the prosecution at the national level for the three international fundamental crimes, as currently defined, by treaties and international law customary. In conclusion, the "MLA Initiative" and the ILC project have different scopes, purposes and dynamics of negotiation, and both deserve a clearly differentiated examination by the international community, taking into account their specificity and the difference of forum in the that will evolve."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_argentina.pdf&lang=5
Australia	<p>"Australia thanks the International Law Commission for its important work on this topic, and for producing a set of draft articles and accompanying commentary for States' consideration and comment. ... Australia appreciates the purpose of ILC attention on the subject: to provide a basis for States to consider closing the gap in the current structure of conventions regarding serious international crimes. ... Australia notes that the draft articles draw from, and build on, a wide range of international conventions covering not only the aforementioned serious international crimes, but also subject matter including corruption, terrorism, transnational serious and organised crime, trafficking of illicit drugs, extradition and mutual legal assistance. Australia also appreciates the Special Rapporteur's careful regard to a range of national and regional approaches. ... Australia appreciates that a clear priority in the preparation of the draft articles has been to complement the regime set forth in the 1998 Rome Statute of the International Criminal Court (Rome Statute). ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_australia.pdf&lang=E
Austria	<p>With regard to the topic "Crimes against humanity" Austria commends the Special Rapporteur, Mr. Sean Murphy, for his extensive third report addressing such important issues as extradition, mutual legal assistance, monitoring mechanisms and dispute settlement. We congratulate him and the Commission on the elaboration of the whole set of draft articles and commentaries. ... I would like to express Austria's support for the elaboration of an instrument, preferably a convention, regarding extradition and mutual legal assistance in cases of crimes against humanity. However, we are also aware of other relevant international initiatives concerning legal cooperation with regard to the prosecution of atrocity crimes. In order to avoid duplication, the Commission should be fully informed about these initiatives to be able to take them into account. Permit me nevertheless already now to turn to some specific comments regarding the new draft articles 11 to 15 and the annex. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_austria.pdf&lang=E
Belarus	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"...We believe that to ensure the maximum possible compatibility of draft articles (and in the future - a draft international treaty developed based on them) with legal regulations on crimes against humanity in national legal systems, State observations and comments will provide a practical benefit to the International Law Commission. In general, the approaches proposed by the International Law Commission is compatible with the principles of the current criminal legislation of the Republic of Belarus. However, a number of issues deserve attention. ... We believe that the project developers' taking into account, if possible, the above legislative considerations of the Republic of Belarus, as well as comments and remarks of other States will facilitate the process for concluding an international treaty on crimes against humanity and its implementation in national legal systems. Belarus welcomes the thesis of the International Law Commission that "the important task of the draft articles is to agree with national laws so that they can serve as a solid basis for interstate cooperation."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/russian/cah_belarus.pdf&lang=R
Belgium	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"...the Kingdom of Belgium would like to present the comments following seven points: a methodological aspect of the draft articles of the Commission on Crimes Against Humanity (1.), a consequence of the imperative of the prohibition of this crime (2.), the customary nature of the obligation to prevent this crime (3.), the notion of gender in the definition of the crime against humanity (4.), preliminary measures when the alleged offender is found on the territory (5.), the rule <i>aut dedere aut judicare</i> (6.) and the relation between the draft articles of the Commission and the MLA (Mutual legal assistance) initiative (7.). ... It would be scientifically useful if the comments of the International Law Commission include an annex with the list of all court decisions condemning a person for crimes against humanity. ... The [MLA Initiative's] treaty would provide a uniform, detailed and modern set of binding rules in matters of international mutual legal assistance and extradition for these crimes, based on the existing definitions of these crimes, not to be reopened, and on the provisions existing in modern forms of mutual legal assistance and extradition ... The ILC project emphasizes crimes against humanity, their universal conventional criminalization, prevention and prosecution; while the MLA initiative aims to provide tools for international cooperation among states that wish to strengthen as quickly as possible their national prosecutions for core international crimes, as defined by treaty and customary international law. In conclusion, the MLA initiative and the ILC project have fields of application, different negotiation objectives and dynamics. Both deserve a review clearly differentiated by the international community, taking into account their specificities and the difference of forum in which they operate."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/french/cah_belgium.pdf&lang=F

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Bosnia and Herzegovina	"I am addressing you in context of the ongoing open comments process regarding the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity, ...[the] Ministry of Human Rights and Refugees of Bosnia and Herzegovina is, among other, responsible for advancement of gender equality and monitoring and implementation of the international documents in this area. In that capacity, we would like to draw your attention to the definition of the term „gender“ in the text of the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity and to ask you to consider amending the definition. Namely, we find the definition of „gender“, as stated in the Article 3 of the proposed Convention, to be opaque, outdated and not in line with the recent, more inclusive and more gender sensitive definitions of „gender“ ... As a country which ratified the Istanbul Convention as early as 2013, we hope you will take this request into account and that you will consider harmonizing the definition „gender“ in the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity with the above-cited newer, more comprehensive and more adequate definitions and, thereby, add to the quality of this important UN Convention."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_bosnia_herzegovina.pdf&lang=E
Brazil	"Brazil expresses its appreciation to the International Law Commission (ILC), and particularly to the Special Rapporteur Sean Murphy, for the work on the topic of crimes against humanity. While it considers that the draft articles are close to the final product, Brazil welcomes the opportunity to provide comments on them. Preliminarily, it is noteworthy that the Rome Statute of the International Criminal Court (ICC) inspired much of the draft articles, which is generally advisable as a means to ensure consistency within the international law system. ... Nevertheless, the ILC text should not read the Rome Statute in isolation from other sources of international law, including international human rights law. More specifically, Brazil considers that paragraph 3 of draft article 3 does not reflect the current human rights definition of gender. .. While there is no doubt on the need to ensure that crimes against humanity do not go unpunished, the means to attain this goal might deserve further debate, taking into account the developments of international law and institutions. The ILC work on crimes against humanity seeks to fulfill a gap on the international system, which already relies on global conventions to prevent and punish genocide and war crimes. Differently from the Genocide Convention or the Geneva Conventions and related protocols, which entered into force before the existence of the International Criminal Court, the draft articles on crimes against humanity are subsequent to the establishment of the Rome Statute system. As a consequence, its provisions must strengthen that system, including by prioritizing the International Criminal Court when the custody state has no nexus with the crime, the suspects or the victims. ..."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_brazil.pdf&lang=E
Canada	"Canada welcomes the Commission's work on the topic of prevention of crimes against humanity and appreciates the leadership demonstrated by Special Rapporteur Sean Murphy on this topic. As State Party to the Rome Statute of the International Criminal Court, Canada actively supports efforts to hold to account those most responsible for serious international crimes, including crimes against humanity. Canada is currently reviewing the proposed Convention and consulting with stakeholders, including on the question of whether it addresses aspects of crimes against humanity that are not sufficiently covered in existing legislation, including the Crimes Against Humanity and War Crimes Act. Canada's primary objective at the stage is to highlight to the Commission concerns with the Convention's definition of gender. ... Canada respectfully recommends against including any definition of gender. The Convention raises a number of other issues that will require more detailed consideration from the Government of Canada; as such we may submit additional comments to the Commission as the process moves forward."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_canada.pdf&lang=EF
Chile	"In full conformity with its unwavering commitment to the protection and promotion of human rights, the Government of Chile would like to commend the Special Rapporteur, professor Sean Murphy, for its outstanding and rigorous work. His effort has resulted in an excellent project that coherently articulates the main international obligations arising from the customary prohibition of crimes against humanity, namely, the duty of states to prevent them and to punish them. The project provides welcome clarity on the scope of these obligations, and also intends to bolster the prosecution of these crimes at the national level, an objective which is plainly consistent with the complementarity principle governing the system of the International Criminal Court. The project should be praised for its both comprehensive and responsible formulation, which follows the definition of crimes against humanity enshrined in the Rome Statute, and which draws on provisions from widely ratified treaties in order to shape the content of its obligations. Such an approach will enable these draft articles to gain widespread international acceptance, and hopefully, will also allow them to become the basis of a multilateral convention on the topic. In any event, this project is called to play a key role in preventing impunity for these heinous crimes, the occurrence of which constitutes an offence perpetrated against humankind as a whole. In this context, the Government of Chile has the honour of submitting some comments and observations on the draft articles, with the aim of improving their text. Some additions will also be suggested in order to dispel any doubts that could arise in relation with their scope of application. ... Finally, the Government of Chile would like to congratulate once again the Special Rapporteur on the subject, professor Sean Murphy, who has produced an outstanding project, called to make a decisive contribution to the strengthening of international criminal law."	Strong Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_chile.pdf&lang=E

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Costa Rica	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"The Government of the Republic of Costa Rica welcomes the International Law Commission and congratulates it on the important efforts to achieve the adoption at first reading of the draft articles on crimes against humanity. In this sense, the Government of Costa Rica acknowledges the efforts made by Professor Sean Murphy as Special Rapporteur and has the honor to submit his comments regarding the mentioned articles. With respect to Article 3 (2) i, we are of the opinion that the definition used by the ILC should be expanded to include all the elements of the International Convention for the protection of all persons against enforced disappearances, ... [T]he draft articles include an outdated definition of the term "gender" that ignores developments in the last two decades in the field of human rights and international criminal law, in relation to sexual and gender crimes, including in the framework of the International Criminal Court. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_costa_rica.pdf&lang=5
Cuba	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"In this regard, the Republic of Cuba transfers and submits the following observations and comments on said document to the International Law Commission: ... For preambular paragraph 5 of the Draft Articles, the following wording is suggested: "Determined to join efforts to combat impunity for the perpetrators of these crimes and thus contribute to the prevention and punishment of such crimes". The term used in the original wording of the draft articles "end" would seem very ambitious for the objectives of this Draft Articles and difficult to achieve in practical terms. In this sense, the Republic of Cuba propagates the phrase "join efforts to combat against", considering this wording more objective since it reflects a realistic scope for the international community. Likewise, the Republic of Cuba considers it necessary to include the term "sanction" in this paragraph so that the preamble is consistent with the draft article 1 [1] regarding the Scope of Application. ... With regard to draft article 3 [3], paragraph 2, subsection a), although the Republic of Cuba has read the text with its comments, approved by the Commission at first reading at its 69th session, it maintains reservations regarding to the usefulness and contribution of the term "multiple" that appears in said article. The Republic of Cuba considers that the inclusion of this term may cause doubts and erroneous interpretations of it... We consider that with the single commission of one of these acts once, and in the framework of an attack against a civilian population, it would be enough to be in the presence of a crime against humanity. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_cuba.pdf&lang=5
Czech Republic	<p>"The Czech Republic welcomes the draft articles on the topic „Crimes against humanity" ... and expresses its appreciation to the Commission and especially to the Special Rapporteur Mr. Sean D. Murphy for their outstanding work on this topic. ... We followed the drafting of articles on crimes against humanity very closely and we note with satisfaction that the whole set of draft articles with commentaries was adopted on first reading last year. The absence of a convention on prevention and punishment of crimes against humanity and on judicial cooperation among States in prosecuting these crimes has been debated for a long time, but only conventions regarding certain crimes which form part of definitions of crimes against humanity have been concluded so far. The Czech Republic would like to express its support for the elaboration of the convention on crimes against humanity which if concluded would fill the legal gap and complement other conventions on prosecution of the most serious crimes under international law. We note with appreciation that the draft articles are elaborated in a complex manner and include both the substantive and procedural aspects of investigation and prosecution of these crimes. In particular, we welcome the inclusion of the provisions on the protection of victims and witnesses, fair treatment of the alleged offenders and promotion of broad cooperation among States. We note with satisfaction that the draft definition of the crimes against humanity, as contained in draft article 3, mirrors verbatim the definition of crimes against humanity set forth in Article 7 of the Rome Statute, except for the necessary contextual changes. ... Further, the crime of aggression is mentioned in the commentary to said draft article, but is not included in the text of the draft article itself with the explanation that this definition might be revisited once the requirements for the exercise of the jurisdiction of the International Criminal Court over this crime are met. We would prefer a text which would not be subject to future changes...."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_czech_rep.pdf&lang=E
El Salvador	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"Without a doubt, the presentation of the third report by the special rapporteur Mr. Sean Murphy represents a significant contribution in the topics related to the establishment of the National jurisdiction of States, extradition, non-refoulement, legal assistance mutual, victims and witnesses, among other important issues in the matter that are reflected in the draft conclusions in question. Thus, taking into account such contributions, the present work report aims to provide additional comments, ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_el_salvador.pdf&lang=5

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Estonia	Estonia would like to thank the International Law Commission for its valuable work done and for the draft articles on crimes against humanity as adopted by the ILC at its 69th session. ... Estonia warmly welcomes the significant achievement made by the ILC on this highly relevant topic and for the contribution to the codification and development of international law. ... In the opinion of Estonia, draft articles take into account the developments of international law, set a realistic outlook for the future and constitute an appropriate basis for the preparation of a convention against crimes against humanity. Estonia is of the position that it is high time and of utmost importance to act with full responsibility in preventing and ending crimes against humanity and bringing to justice those who are responsible for crimes against humanity. Estonia is convinced that crimes against humanity, which are among the most serious crimes and are of concern to the international community as a whole, must be prevented in conformity with international law, as provided in the preamble of the draft articles, and impunity for the perpetrators must be put to an end. In our view, draft articles on crimes against humanity have a crucial role in creating strong legal measures to prevent crimes against humanity and to punish the perpetrators. Estonia welcomes the formulation of draft articles on crimes against humanity and a clear vision to go on with the work towards a future international convention. In Estonia's view, all States should undertake to investigate serious crimes and to prosecute those whose culpability is proven in accordance with law and the standards of the rule of law. ... In principle, Estonia supports the approach taken in draft article 3 as concerns definition of crimes against humanity and its full correspondence with the wording of article 7 of the Rome Statute. It is in order to avoid any discrepancy or conflict of the wording and possible different interpretation of crimes against humanity. At the same time, Estonia would like to point out that the current definition of crimes against humanity as reflected in draft article 3 and in the Rome Statute implies only in respect of civilian population. This has been the case historically, but the purpose of this restriction is being questioned more and more and there are claims that the scope of the application of the composition of the offence should be without such a restriction. Taking from its historical experience, Estonia would have liked to raise the question whether this is an appropriate time to review this historical restriction of the composition of crimes against humanity. ... Estonia would like to express its concern in relation to the wording of the definition of „forced pregnancy“ ... Estonia also asks for reconsideration of the definition of “gender” ...”	Strong Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah-estonia.pdf&lang=E
France	*** UNOFFICIAL TRANSLATION*** "Firstly, France wishes to express its satisfaction with the general economy of the draft articles adopted on first reading by the International Law Commission. The working methods followed and the general guidelines adopted made it possible to achieve a result of quality, of practical interest to States. France thus expresses the wish that these draft article may ultimately serve as a basis for the conclusion of an international treaty instrument on the prevention and punishment of crimes against humanity, and thus participate in strengthening the international criminal justice system. Secondly, it should be recalled that the International Criminal Court, the first permanent international criminal jurisdiction, with a universal vocation, plays a central role in the judgment of the most serious crimes affecting the entire international community, while leaving the primary responsibility to States, by virtue of the principle of complementarity, to judge such crimes committed by or against their nationals or on their territory. To this extent, France welcomes the fact that the draft articles are inspired by the Rome Statute and partly take up its provisions. ... However, doubts can be expressed about the advisability of qualifying the prohibition of crimes against humanity as a peremptory norm of law general international, as the Commission is currently working on the subject of the "Peremptory norms of general international law (jus cogens)" and that the preamble to the Statute de Rome itself does not refer to it. France would now like to make specific comments on certain draft articles adopted on first reading by the International Law Commission: ..."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/french/cah-france.pdf&lang=F
Germany	"Germany welcomes the work of the International Law Commission on this important topic. Germany wishes to thank Special Rapporteur Sean Murphy for his reports and commends the Commission for having finalised the First Reading. ... Germany attaches great importance to the topic at hand. It acknowledges that there is no general multilateral framework governing the prosecution of crimes against humanity and is convinced of the usefulness of the adoption of a specialized Convention on Crimes against Humanity. The Convention would not only complement treaty law on core crimes, but would foster inter-state cooperation with regard to their investigation, prosecution and punishment. A future Convention on Crimes against Humanity ought to provide further impetus to end impunity for atrocity crimes. The Rome Statute establishing the International Criminal Court regulates the relations between States and the International Criminal Court and addresses the prosecution of crimes falling under its jurisdiction. The Rome Statute is not focused on steps that States should be taking to prevent and punish crimes against humanity. A Convention on Crimes against Humanity would in this respect close a gap in the existing international legal framework. Germany believes that a Convention on Crimes against Humanity would contribute to the implementation of the complementarity provisions of the Rome Statute by encouraging national prosecutions. Ultimately, the Convention would serve to encourage the wider acceptance of the International Criminal Court's jurisdiction and promote the universality of the Rome Statute. Germany sees the orientation towards the language of the Rome Statute as a precondition for the success of the project. ... With regard to the draft articles on crimes against humanity contained in document A/72/10 Germany wishes to submit the following specific comments for consideration: ..."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah-germany.pdf&lang=E

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Greece	At the outset Greece would like to commend the Special Rapporteur, Mr. Sean D. Murphy, for his mastery of the subject and his detailed and well documented reports on the topic. Greece also wishes to express its gratitude to the International Law Commission for valuable contribution to the adoption of the entire set of Draft Articles on first reading. The expedient way with which both the Special Rapporteur and the Commission proceeded clearly demonstrates their dedication and commitment to swiftly complete this important work. Greece attaches great importance to the fight against impunity for the most heinous crimes of international concern, including the crimes against humanity. In this it welcomes the adoption on first reading of the Draft Articles which, independently of the outcome of future discussions within the Sixth Committee on their final legal form, could, with some further adjustments, contribute significantly to the prevention of such crimes and the strengthening of accountability by providing useful guidance to those States which have not yet adopted legislation regarding the criminalization and prosecution of such crimes at the domestic level. ... However, we would like to reiterate that we are not entirely convinced about the desirability and the necessity of a convention addressing exclusively that category of crimes. ... We are, therefore, of the view that the entry into force of the Rome Statute and the establishment of the International Criminal Court has rendered to a large extent unnecessary the elaboration of a convention on the crimes against humanity. We also believe that, despite the cautious approach followed by both the Special Rapporteur and the Commission not to affect existing conventional regimes and the Rome Statute of the International Criminal Court ... the risk of reopening during a future negotiation of a convention the consensus reached on the definition of the crimes against humanity cannot be excluded. Moreover, we share the concerns expressed by some States and members of the Commission that such a convention may hamper efforts to achieve the widest possible acceptance of the Rome Statute, since some States may deem it sufficient to ratify the former without adhering to the latter. ... Greece believes, therefore, that instead of a lengthy process of negotiation of a future convention where all relevant critical issues could be reopened with an uncertain outcome, the efforts of the international community should focus, at this stage, on the one hand, on the promotion of universality and effective implementation of the Rome Statute and, on the other, on the establishment of necessary mechanisms of inter-State cooperation for the domestic investigation and prosecution of the most serious crimes of concern to the international community. In this respect, we would like to join other States in recalling the international initiative for the adoption of a multilateral instrument on mutual legal assistance and extradition for the domestic prosecution of the most serious international crimes already supported by 60 States, including Greece."	Negative	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_greece.pdf&lang=E
Israel	"In line with its longstanding commitment to international criminal justice and to the prevention and punishment of international crimes, Israel welcomes the ILC's work on the topic 'Crimes against humanity'. In general terms, Israel is of the view that a comprehensive treatment of the prohibition on crimes against humanity would benefit the international community. It further believes that in order to secure the broadest acceptance of such a project, it is preferable that it would reflect widely accepted principles on the subject and, equally important, contain safeguards against their potential abuse, as suggested below. It is important for the draft articles to accurately reflect well-established principles of international law so as to attract wide acceptance and make the most effective contribution. In certain respects, however, the Draft Articles and the commentary thereto appear to stray from such principles. ... One of the most fundamental principles of international criminal law is that States have the primary sovereign prerogative to exercise jurisdiction in their national courts over crimes against humanity that have been committed either in their territory or by their nationals. This principle is consistent with the notion that the State with territorial or active personality jurisdiction is usually best suited to effectively prosecute crimes and it is in the interest of justice, with due consideration to the interests of victims, the rights of the accused and other similar considerations, that local jurisdictions with clear jurisdictional links would be given primacy. Only when such States are unable or unwilling to exercise jurisdiction, alternative mechanisms should be considered. Israel believes that various safeguards must be included in the draft articles in order to reflect and promote this basic principle. Safeguards should also be adopted in order to prevent the initiation of inappropriate, unwarranted, or ineffective legal proceedings; proceedings where proper standards of due process cannot be met, in particular in cases in which the forum State does not have sufficient access to witnesses and other evidence; and/or proceedings where the incident in question has already been examined by another State with close jurisdictional links."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_israel.pdf&lang=E
Japan	"Japan respects the current work of the Commission and welcomes the codification of "Crimes against humanity". The international community should work together in order to suppress such crimes as they compose "the most serious crimes of concern to the international community as a whole". In addition to the Rome Statute of the International Criminal Court (ICC), which regulates "vertical relationships" between the Court and its States Parties, the current work, which creates "horizontal relationships" among states, will lead to a strengthening of the effort of the international community for preventing those crimes and punishing their perpetrators. Japan believes that the current work should avoid any legal conflicts with the regime of the existing international criminal tribunals, including the ICC. We are of the view that the procedural framework of the current work is consistent with that of the Rome Statute. The definition of crimes against humanity in the current work is identical with the text of Article 7 of the Rome Statute. Japan supports the language of Article 7 as an appropriate basis for defining these crimes, considering that said article has been accepted by more than 120 States Parties to the Rome Statute. Japan recognizes that, in order to avoid the fragmentation of the definition of the crime, this is a realistic approach and should be welcomed."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_japan.pdf&lang=E

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Written Comments & Observations Submitted by Governments on the ILC's First Reading of Draft Articles on Crimes Against Humanity (2018)			
COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Liechtenstein	"Rome Statute should be reflected accurately and fully which is best done by spelling out the relevant crimes in the Statute, which itself refers to "any crime within the jurisdiction of the Court", thus including the crime of aggression. " [regarding the definition of persecution in DA 3(h)] "In order to consistently reflect the Rome Statute accurately and fully, the definition of "gender" should be the same as the definition of gender as interpreted by the Office of the Prosecutor of the ICC, ... As only little jurisprudence related to gender under international criminal law exists, the Convention will serve as a mean to contribute to the legal understanding of gender. In short, if the ILC decides to have a definition of "gender" in the draft articles based in the Rome Statute this has to be consistent with the whole legal framework created by the said treaty, including the reference to international human rights and the most recent development on its interpretation." ...	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah/liechtenstein.pdf&lang=E
Malta	"With reference to the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity, Malta wishes to request that the definition of gender be changed to be in line with the one found in the Istanbul Convention. This would ensure that the treaty also covers trans and gender queer persons."	Neutral	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah/malta.pdf&lang=E
Morocco	*** UNOFFICIAL TRANSLATION*** "It should be noted first that the ILC initiative aspires to fill in some of the practical underpinnings of the international legal framework, and the spirit of these articles is inspired by the Rome Statute as well as the Convention on the Prevention and Punishment of the Crime of Genocide. This project also places responsibility on the shoulders of States, not only to not commit any possible acts constituting a crimes against humanity, but also to put in place reasonable means to prevent them, as well as criminalizes crimes against humanity in the national law and enacting proportional penalties ..."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/arabic/cah/morocco.pdf&lang=A
Netherlands, The	"The Netherlands commends the ILC, and in particular Special Rapporteur prof. Sean Murphy and the drafting committee, for the Draft Articles and has the honor to submit the following comments and observations. ... The Netherlands remains committed to the fight against impunity. In this context, the policy of the Netherlands is aimed at strengthening the international legal framework for the prevention, detection, prosecution and adjudication of international crimes. The Netherlands believes that facilitating the cooperation of States with the International Criminal Court (ICC) and other international courts and tribunals as well as between states, in accordance with international standards, in both the legal and the practical sense, constitutes an essential element of this process. The Netherlands therefore welcomes the Draft Articles on Crimes against Humanity. A general consideration to which the Netherlands attaches importance is that a new international set of rules concerning crimes against humanity should supplement and be complementary to existing treaty structures. Ensuring consistency with the Rome Statute of the ICC in particular is key in ensuring the mutual reinforcement of both structures. The Netherlands therefore welcomes the choice underpinning the Draft Articles to incorporate the definitions of crimes of the Rome Statute. ... This lack of specific and adequate international standards norms hampers the effectiveness and speediness of the investigation, prosecution and adjudication of these crimes. Therefore, an important gap needs to be filled in order to further shape the obligations of national jurisdictions, more specifically regarding issues arising in inter-state cooperation. In the view of the Netherlands, the gap is felt most acutely in the lack of a robust, efficient and modern model for cooperation between States facilitating the extradition and mutual legal assistance in combating crimes against humanity. As the primary responsibility to prevent crimes against humanity continues to lie with States themselves and as the jurisdiction of international criminal courts and tribunals continues to be of limited scope and capacity, such a model would be most beneficial in further implementing the principle of complementarity. ... While the Netherlands supports the ILC's work on the crimes against humanity topic and will continue to contribute to its examination and further consideration, the Netherlands recognizes particular merit in the MLA initiative in that it seeks to offer an effective mutual legal assistance and extradition framework for <u>all three groups</u> of most serious crimes under international law. ... The Netherlands is of the view that the MLA initiative and the Draft Articles pursue the same goal and are mutually supportive while proceeding along different trajectories. If both initiatives were to materialize, not all States may sign up to and ratify both. The Netherlands therefore considers that the two initiatives offer complementary frameworks, which not only could co-exist but mutually reinforce each other and could be further developed side by side. More specifically in respect of the Draft Articles, the Netherlands attaches importance to the further elaboration, in the commentary, of the content and scope of the obligation to prevent crimes against humanity as laid down in article 2 of the draft articles. "	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah/netherlands.pdf&lang=E
New Zealand	"New Zealand thanks and congratulates the Special Rapporteur, Mr Sean D. Murphy, and the Commission for the work that has gone into the Draft Articles and their Commentaries. The Draft Articles represent an opportunity to address a gap in the international legal framework, particularly in addressing inter-state cooperation in national laws on the prevention of crimes against humanity. In this respect the Draft Articles are an important step in efforts to ensure serious international crimes are prevented and that those responsible for them are held accountable. 2. New Zealand welcomes the opportunity to comment on the Draft Articles and their Commentaries. As a general comment, New Zealand is pleased to observe that the Draft Articles have been formulated in a way which complements the Rome Statute. ... New Zealand trusts that these comments will be of assistance to the Commission in its continuing work and looks forward to the Commission's further revision of the Draft Articles and their Commentaries in due course."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah/new_zealand.pdf&lang=E

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity
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Written Comments & Observations Submitted by Governments on the ILC's First Reading of Draft Articles on Crimes Against Humanity (2018)			
COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Panama	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"The Ministry of Foreign Relations - Directorate. Office of International Legal Affairs and Treaties - extends its congratulations to the ILC and to special rapporteur, Mr. Sean D. Murphy, for preparing this Draft Convention, which is so important for codification and the progressive development of international Criminal Law. ... The Republic of Panama welcomes the elaboration of a draft convention for the prevention and punishment of crimes against humanity, since its adoption will mean an important step for the codification and progressive development of the obligations related to the prevention and punishment of crimes against humanity. The obligation to prevent and punish such crimes is considered a general rule enshrined in multiple quasi-universal international obligations.... However, the scope of these conventions is limited to war crimes and genocide, and there is no multilateral convention dedicated exclusively to regulating the obligations of States with respect to the prevention and punishment of the crimes of humanity. The adoption of the draft Convention prepared by the ILC is important to fill this gap. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_panama.pdf&lang=S
Peru	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"Peru reiterates its recognition of the work carried out by the UN International Law Commission and assigns special significance to the present topic. We therefore express our congratulations to the Special Rapporteur, Mr. Sean Murphy, for his work in favor of the approval, at first reading, of the draft articles on "crimes against humanity". In general, we wish to state that Peru ... is favorable to the fact that, once the draft articles are adopted at second reading, this can serve as a basis for a future Convention for the prevention and punishment of crimes against humanity. We consider that the future Convention would complement the existing legal framework, particularly in the field of international humanitarian law, international criminal law and international human rights law. In this sense, the aspects regulated, for example, by the Convention, would be strengthened. ... In this regard, we appreciate that the draft articles address cooperation between States to prevent crimes against humanity -that is, before they are committed-, as well as to investigate, arrest, prosecute, extradite and punish in the field of internal law to people who commit such crimes, which is compatible with the Rome Statute. ... Finally, aware of the high relevance of this topic, Peru supports that the Commission –at the end of the second reading- recommend to the General Assembly, in accordance with article 23 of the Statute of the Commission, that the Member States of the Nations United conclude a Convention. Subsequently, we would consider it convenient for the General Assembly to establish a preparatory process, in view of a Diplomatic Conference."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/spanish/cah_peru.pdf&lang=S
Portugal	<p>"Portugal would like to salute once again the conclusion of the work by the International Law Commission and to renew its tribute to the Commission and to the Special Rapporteur, Mr. Sean Murphy. In our understanding, the draft articles on "Crimes against Humanity" provide a solid and strong basis for the discussion about a future convention covering both the substantive and procedural aspects of this topic. Such an instrument could be one more step to fighting impunity and ensuring accountability where these crimes are concerned. Nonetheless, we are still of the opinion that the Commission should take a careful approach when it comes to the adoption or adaptation of solutions that have proved to be successful for other types of crimes. We should resist the temptation of simply transposing already existing regimes that were not designed for the specific context and legal nature of crimes against humanity. ... Portugal has always considered the study on this topic should be conducted resorting to the existing rules and practice so as to prevent entering into conflict with the already existing legal framework dealing with crimes against humanity. In this sense we are pleased to notice that the Rome Statute and the language contained therein are key references of ILC' s work and that the relations between these draft articles and the Statute were taken into account by the ILC. Allow us now some brief comments on a few specific articles. In light of our comments, we welcome the use of the definition of crimes against humanity contained in Article 7 of the Rome Statute with the necessary changes in the proposed draft article 3. ... Regarding the liability of legal persons, we must recall that there aren't many States that recognize such liability. ... [W]e feel there might be merit in a further study of this question. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_portugal.pdf&lang=E

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Sierra Leone	<p>"... Sierra Leone attaches great importance to the ILC's past and current work on international criminal law. ... We believe that the ILC's contributions on crimes against humanity, ... carry potential to contribute in significant ways to the ongoing global struggle to counter impunity for serious violations of international law. ... Sierra Leone therefore commends the ILC's work on the topic Crimes against Humanity. ... [W]e wish to thank the current and former members of the Commission and its Drafting Committee for their valuable input and commitment to the topic. We are deeply grateful to Mr. Sean Murphy, the Special Rapporteur, for his important role in moving the item forward and for his tireless efforts and invaluable contributions. ... Sierra Leone generally agrees with the ILC's proposed draft articles on crimes against humanity as adopted on first reading. ... Nonetheless, and considering also that – like most African States – we were unable to participate in the annual Sixth Committee debates since the topic was added to the Long Term Programme of Work, Sierra Leone wishes to express its views regarding the ILC draft articles and commentaries on crimes against humanity. ... By addressing our concerns, which could help to strengthen the second reading text that the Commission might submit to the General Assembly, we consider that the ILC's contributions on crimes against humanity specifically and the development of the nascent field of international criminal law more generally could be further strengthened. ... As a preliminary issue, Sierra Leone strongly supports the ILC's stated goal for this project, which as we understand it, is to formulate draft articles that could form the basis for a future convention for the prevention and punishment and crimes against humanity. ... [W]e also appreciated the ILC's efforts to ensure that its proposed draft articles avoid potential conflicts with the obligations under the constituent instruments of international or hybrid criminal courts or other tribunals, especially the permanent ICC. ... However, Sierra Leone considers it also desirable for the ILC to ensure that its proposals not only fully respect the integrity of the ICC Statute, which was a negotiated compromise amongst states, but that where necessary, it also progressively develops the law of crimes against humanity. This is important given that, although a possible future treaty would only apply at the horizontal level, it offers a golden opportunity to assist states to bolster the current global legal architecture to prevent, punish and deter crimes against humanity. With a stronger ILC draft instrument on crimes against humanity, it is possible that some States that have not yet domesticated the Rome Statute would be inspired to adapt the ILC proposals such as those on extradition and mutual legal assistance and to incorporate them into their national laws. This, on balance, will likely help fill existing legal gaps and thereby ensure the more effective national prosecutions of crimes against humanity. It will also be consistent with the complementarity principle, which underpins the ICC Statute and emphasizes the primacy of national prosecutions, for one of the most egregious crimes known to international law. ... Sierra Leone finds it appropriate that the first reading text reflects a mix of progressive development and codification of the law of crimes against humanity for several reasons. ... These draft articles already represent a significant contribution to present global thinking on the prevention and punishment of crimes against humanity. ... Sierra Leone is hopeful that... this set of draft articles will in the future be viewed favourably by states and the General Assembly. We equally hope that they will in due course join the pantheon of remarkable ILC contributions to the progressive development of international law and its codification."</p>	Strong Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_sierra_leone.pdf&lang=E
Singapore	<p>"Singapore is pleased to respond to the International Law Commission's request for comments and observations on the draft articles on crimes against humanity as adopted on first reading. ... Singapore agrees with the principle in draft article 4, paragraph 2 that States should undertake to prevent crimes against humanity through "cooperation with other States, relevant intergovernmental organizations, and, as appropriate other organizations". However, the scope of a State's obligation in this regard is not clear. ..."</p>	Neutral	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_singapore.pdf&lang=E
Sweden (on behalf of the Nordic countries)	<p>"The Nordic countries are very grateful to the International Law Commission and Special Rapporteur Mr. Sean D. Murphy for their work on this important topic, and would like to take this opportunity to reiterate our commitment to this valuable project on the prevention and punishment of crimes against humanity. We believe that the draft articles will contribute greatly to this end. ... The draft articles on crimes against humanity have a significant potential for great practical relevance to the international community. Among the three core international crimes, only crimes against humanity lack a convention. International norms can in turn contribute to national laws, national jurisdiction and cooperation among States in the fight against impunity. The Nordic countries will continue to support this project that we consider a welcome and timely contribution to the fight against impunity. The draft articles may serve as a good basis for a future convention on the prevention and punishment of crimes against humanity. The Nordic Countries welcome the fact that the ILC has retained the definition of the term "crime against humanity" in Article 7 of the Rome Statute as the material basis for the draft articles. ... However, the Rome Statute was adopted twenty years ago. By retaining the definition verbatim, the draft articles fail to take into account the evolving jurisprudence by the ICC and other tribunals and international practice. ... The Nordic countries would like to once again thank the International Law Commission and Special Rapporteur Mr. Sean D. Murphy for the important work undertaken on this topic. We hope the above comments and observations will be of value to the further refinement of the draft articles."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_sweden.pdf&lang=E

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
Switzerland	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>"Switzerland first of all wishes to commend the high quality of the work accomplished by the Commission and welcomes the fact that the draft articles are concise and limited to essential aspects. Switzerland welcomes the fact that the draft articles are based on the existing international legal framework. It particularly appreciates the fact that the definition of crimes against humanity in draft article 3 reproduces word for word that given in article 7 of the Rome Statute of the International Criminal Court, with the exception of a few non-substantial modifications. It is indeed important to avoid a definition which would deviate from that of the Rome Statute... In general, it seemed essential that the draft articles should endeavor to prevent any conflict with existing treaty texts. However, Switzerland also appreciates that paragraph 4 of article 3 provides that this draft article is without prejudice to any broader definition provided for by any instrument of international or national law. ... Switzerland hopes that the foregoing comments and observations will constitute a useful contribution to the work of the Commission."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/french/cah_switzerland.pdf&lang=F
Ukraine	<p>"Article 3 "Definition of crimes against humanity" of the draft articles contains the list of acts constituting "crime against humanity". This article based on the article 7 of the Rome Statute of the International Criminal Court, the jurisdiction of which was accepted by Ukraine. ... Taking into consideration that according to the article 5 of the ICC Statute the Court has jurisdiction with respect to the following crimes: (a) The crime of genocide, (b) Crimes against humanity, (c) War crimes, (d) The crime of aggression, Ukraine proposes to bring Article 3 (h) of the draft articles in conformity with Article 7 (h) of the ICC Statute."</p>	Neutral	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_ukraine.pdf&lang=E
United Kingdom of Great Britain and Northern Ireland	<p>"The UK is grateful to the Commission and to the Special Rapporteur, Mr. Sean Murphy, for their impressive and important work on this topic. The draft Articles navigate this complex and sensitive area well through a practical approach that draws significant inspiration from international criminal law precedents. The UK would like to stress that it is supportive of the draft Articles subject to the comments it makes here. It acknowledges that currently there is no general multilateral convention establishing a framework for the national prosecution of crimes against humanity, including mutual legal assistance, and that this represents a lacuna given the existing frameworks for other serious crimes such as genocide, war crimes and torture. As such, the UK sees benefits in developing an extradite-or-prosecute convention in respect of crimes against humanity. The UK appreciates the careful consideration that the Special Rapporteur, the Drafting Committee and the ILC as a whole have given to the inter-relationship between their work and the Rome Statute of the International Criminal Court (the Rome Statute). As the UK has previously emphasised, and as the Special Rapporteur and Commission clearly intend, a future convention on this subject will need to complement, rather than compete with, the Rome Statute. A new convention could facilitate national prosecutions, thereby strengthening the complementarity provisions of the Rome Statute. The UK also reiterates its view that the expansion of the scope of this work into issues such as civil jurisdiction, amnesty and immunity would be unhelpful to the goal of a widely accepted convention and appreciates the fact that there has been no such expansion to date. ... The UK addresses the individual draft Articles in turn below. ..."</p>	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/english/cah_uk.pdf&lang=E

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COUNTRY	STATEMENT	STATEMENT CODE	HYPERLINK
United States of America	"The United States also recognizes and appreciates the extensive efforts of Special Rapporteur Sean Murphy on this topic. Special Rapporteur Sean Murphy brings tremendous value to bear in the Commission's work on this topic, and we particularly appreciate his efforts to take into account States' views on this topic. Robust interaction and a productive relationship between States and the ILC is vitally important to the relevance and continuing vitality of the Commission's work. The United States reiterates that it is critical that the Commission account for the views of States in this and other topics on the Commission's program of work because international law is built on the foundation of State consent. ... The Commission is, of course, not a legislative body that establishes rules of international law. ... In the view of the United States, developing these Draft Articles is not primarily an exercise in codifying customary international law, but instead is primarily an effort to provide the Commission's recommendations on progressive legal development. The United States acknowledges that the concept of CAH has been part of international law and the domestic laws of various foreign States for a number of years. ... With due appreciation of the importance and gravity of the subject, the United States submits that the significant concerns that it has identified with the current Draft Articles, described in part below, are sufficient to call into question whether, absent substantial further work to address such concerns, a treaty based on the Draft Articles could attract wide acceptance by States, including the United States. The United States offers the edits and comments below in a spirit of constructive engagement, but notes that these edits and comments do not represent acceptance of the draft in whole or in part or that the United States is indicating its approval of future work on the articles or any possible resulting convention. ... The United States believes the work of the ILC in this area should be guided by three objectives. First, clarity should be an important objective for the ILC's work on CAH, and is a sine quo non of both a well-crafted treaty that would support justice for victims of CAH and any U.S. acceptance of a possible resulting treaty. The United States is concerned that the Draft Articles lack clarity with respect to a number of key issues. ... Second, any convention should be drafted with a view toward recommending to States an instrument that could be universally (or at least very widely) ratified by States, ... To this end, the Draft Articles need to be flexible in implementation, accounting for a diversity of national systems ... Third, in order to be useful to States in strengthening accountability, the draft provisions of the proposed convention should be mindful of the challenges that have arisen in the area of international criminal justice, including by reflecting lessons learned and reforms enacted after overbroad assertions of jurisdiction by national and international courts. ... Were other nations to conclude a CAH treaty that the United States did not join, the United States would not be bound by it and would reject any claim of authority to impose its terms on the United States absent its consent. The Draft Articles, of course, differ in significant ways from the Rome Statute... However, experience and lessons learned with respect to the ICC nonetheless need to inform the Draft Articles in order to avoid the very serious concerns that have arisen with respect to the ICC. In particular, the Draft Articles need safeguards to avoid providing a pretext for prosecutions inappropriately targeting officials of foreign States. Absent such safeguards, any convention could give rise to tensions between States and thereby undermine rather than strengthen the legitimacy of efforts to promote justice. ..."	Negative	https://legal.un.org/ilc/sessions/71/pdfs/english/cah_usa.pdf
Uruguay	*** UNOFFICIAL TRANSLATION*** "In accordance with the work to protect and promote human rights, the Oriental Republic of Uruguay congratulates the Editor of the Report, Professor Sean Murphy for his rigorous work that he has thrown as a result the draft articles to which we will refer in this note. ... Regarding enforced disappearance, it would be suggested to eliminate the elements: "with the intention to leave them outside the protection of the law ", and "for a period prolonged ", ... Regarding the crime of persecution, the statement adopted in the draft Convention would not be in accordance with customary international law. ... Customary international law does not require any "Connection" with other prohibited acts... Including the phrase "in connection with" seems unclear and would lend itself to various interpretations. ...The definition of gender is based on the language used in article 7 of the Rome Statute, however the draft articles on crimes against humanity ignores the developments of the last decades ..."	Positive	https://legal.un.org/docs/?path=/ilc/sessions/71/pdfs/french/cah_uruguay.pdf&lang=F

SUMMARY TABLE		
STATES AND ENTITIES COMMENTING	35	
STRONG POSITIVE	3	9%
POSITIVE	27	77%
NEUTRAL	3	9%
NEGATIVE	2	6%
STRONG NEGATIVE	0	0%

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74th SESSION OF THE UNGA (2019)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	ABBREVIATED STATEMENT	STATEMENT CODE	HYPERLINK
Argentina	Argentine Delegation	Tues. Oct. 29, 2019, 10:20-10:29 AM	*** UNOFFICIAL TRANSLATION*** "...Argentina also wishes to refer to the Commission on "Crimes against humanity" and express deep appreciation for its Special Rapporteur, Sean Murphy."... "We congratulate that fifty states, international organizations and other entities sent comments ... and that they have been taken into account for the second reading of the Articles Project"... "Argentina supports this recommendation [to the assembly], since the elaboration of an international convention on the prevention and sanction of crimes against humanity is an account pending by the international community..."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/199951/argentina.pdf
Armenia	Permanent Mission of Armenia to the UN	Thurs. Oct. 31, 2019, 11:22-11:31 AM	"Concerning Chapter IV of the Report of the International Law Commission on the 'crimes against humanity topic, Armenia acknowledges that the intention of the draft articles is to fill a perceived gap in the international legal landscape by adding to a new, sister treaty to the Convention on the Prevention and Punishment of the Crime of Genocide of 19481 as well as the Geneva Conventions with respect to war crimes. ... For future action, we are in favour of a diplomatic conference to negotiate a convention rather than the immediate adoption of draft articles by the General Assembly. In light of the substantive concerns that we have expressed, we consider that this conference should be scheduled at a suitable time, such as three to five years from now, to allow States the opportunity to study this product of the International Law Commission in order to develop their positions."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328797/armenia.pdf
Australia	Mr Jordan Aitken	Tues, Oct. 29, 2019, 12:47 PM - 12:51 PM	"Australia welcomes the adoption by the Commission of its draft articles on crimes against humanity. We extend our thanks to the Special Rapporteur for his leadership, for taking into careful account the views of states and for the extensive effort he has put in to crafting the draft articles. As we consider the substance of the draft articles, we are mindful of the Commission's recommendation that States elaborate a Convention on the basis of the draft articles and the potential benefit such a convention may bring."	Takes no explicit view on a process (neutral)	http://statements.unmeetings.org/media/2/23557936/e-australia-cluster-i-statement_final.pdf
Austria	Ambassador Helmut Tichy	Mon. Oct. 28, 2019, 11:38-11:48 AM	"Austria commends Special Rapporteur Sean Murphy and the Commission for the successful completion of the second reading of the 'Draft articles on prevention and punishment of crimes against humanity' and expresses its appreciation for this contribution to the development of international criminal law. Austria welcomes the effort to base the draft articles as much as possible on the Rome Statute of the International Criminal Court, ... This approach precludes the risk of divergences. ... Austria strongly supports the recommendation of the Commission to elaborate a convention on prevention and punishment of crimes against humanity on the basis of the draft articles. In Austria's view, the successful work of the ILC, to which we have all contributed through deliberations of this Committee over several years, deserves appropriate follow-up. We therefore call on this Committee to decide that an international convention shall be concluded on the basis of the draft articles adopted by the International Law Commission. Such a convention would close the existing gap concerning the criminalization of crimes against humanity and would constitute an important supplement to the Rome Statute of the International Criminal Court: ... We believe that a diplomatic codification conference would be the most suitable forum for the elaboration of such a convention. The Austrian government is currently considering the possibility of hosting such a conference in Vienna."	Explicitly favors a process to develop a convention	(No PDF Link available)
Austria (on behalf of 42 other States)	Delegation of Austria	Wed., Nov. 20, 2019, 11:09 AM - 11:11 AM	"Our delegations welcome the conclusion of the work of the International Law Commission on crimes against humanity, its adoption of the draft articles and commentaries thereto and its recommendation regarding the elaboration of a convention on the basis of the draft articles. We would like to take this opportunity to thank the facilitators of the resolution on crimes against humanity for their efforts. We regret, however, that the Sixth Committee was not able to agree on an ambitious and structured approach for our future deliberations on the recommendation of the ILC to elaborate a convention on the basis of its draft articles. We would have welcomed more time for our discussions in order to be able to accommodate the differing views on the way forward, and are aware of the wish of some delegations to have more time to examine and reflect on the draft articles of the ILC on crimes against humanity. We look forward to the opportunity for further discussion in preparation of the next session of the 6th Committee and very much hope that the Sixth Committee will be able to find consensus on providing efficient guidance on the way ahead for this very important issue at its next session."		http://statements.unmeetings.org/media/2/23557769/e-austria-statement-item-79-eop.pdf
Belarus	Delegation of Belarus	Tues. Oct. 29, 2019, 12:06-12:31 PM	"The delegation of Belarus congratulates Dr Sean Murphy and the International Law Commission on conclusion of the work on the draft articles on prevention and punishment of crimes against humanity. The draft is of well-balanced character and, we assume, would be a good starting point for intergovernmental negotiations, which would lead to a treaty. Of particular interest is the detailed mechanism of legal cooperation, which can serve as a model for other treaties, including bilateral ones. Belarus intends to conduct a thorough consideration of the draft articles by all interested state bodies, primarily law enforcement agencies, after which we shall provide our final position on the document. Our delegation supports the elaboration of a treaty on the basis of the draft articles, but we assume, however, that this endeavor should be approached in a cautious manner, since the draft articles deal with complex and fundamental issues of international criminal law. We believe that further work on the text should be organized by the UN secretariat under the UN General Assembly aegis with the maximum involvement of criminal law experts. As far as the diplomatic conference on the adoption of the text of the convention is concerned, we consider it productive to organize it on a later stage, after the text has been finalized at the expert level."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23732039/belarus_e.pdf
Belgium	Belgium Delegation	Thurs. Oct. 31, 2019, 12:04-12:08 PM	*** UNOFFICIAL TRANSLATION*** "The Belgian delegation thanks the International Law Commission for its latest report and wish to congratulate its members for the work accomplished. In particular, I wish to thank the Special Rapporteur on the prevention and repression of crimes against humanity and to welcome the second reading of draft articles. My delegation agrees with the statement made by the European Union on this point. Belgium has always attached particular importance to combating impunity for the most serious crimes affecting the entire international community. As a result, Belgium supports the drafting of a convention on the basis of the draft articles, as recommended by the International Law Commission. ... [T]he MLA Initiative, and the ILC's project, are complementary and non-competing projects. These two approaches indeed pursue the same objective of combating impunity for international crimes regardless of their field of material application and their different approach. ... These two projects are therefore complementary and can therefore coexist and continue to develop in parallel."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328705/-l-belgium-statement.pdf

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74th SESSION OF THE UNGA (2019)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	ABBREVIATED STATEMENT	STATEMENT CODE	HYPERLINK
Brazil	Prof. George Rodrigo Bandeira Galindo	Tues. Oct. 29, 2019, 12:31-12:47 PM	"Brazil wishes to join previous speakers in expressing its appreciation to the relevant work of the Commission on the issue, particularly to Special Rapporteur Sean Murphy, on preparing the set of draft articles on crimes against humanity, comprising 10 preambular paragraphs, 15 articles and one annex. Since the inclusion of the topic in its programme of work ... the Commission has been devoted to an extensive exercise that engaged not only its members, but also governments, international organizations and others. Convinced of the need to address the existing gap in the international law framework, Brazil has been supporting this process since its inception, including by providing constructive comments to the set of draft articles. We have positively noted that Mr. Murphy's work builds upon the Rome Statute of the International Criminal Court (ICC). ... Brazil would join the large number of States that favor the elaboration of such Convention. The set of draft articles presented to us by the International Law Commission constitutes a carefully crafted text and a solid basis to guide our discussions. In order to promote an inclusive and legitimate process toward drafting a convention that could be universally ratified, Brazil is of the view that negotiations should take place in the General Assembly, engaging the entire community of Nations. In the next steps with regard to the draft set of articles, Brazil would like to raise the attention of the Commission to the need to address the relation between universal jurisdiction and ICC jurisdiction, as well as the need to include safeguards to prevent abuses of the universality principle."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999959/brazil.pdf
Bulgaria	Mrs. Dimana Dramova	Thur. Oct. 31, 2019, 3:24-3:28 PM	"We commend the work of the Special Rapporteur Mr. Sean Murphy and the adoption on the second reading of the draft articles on prevention and punishment of crimes against humanity by the International Law Commission. In that regard we strongly support the International Law Commission's proposal for the elaboration of a convention by the UN General Assembly or by an intergovernmental conference on the basis of the completed draft articles as we give preference to the second option. In that respect we align ourselves with the Statement previously made on behalf of the EU and its Member States. The Republic of Bulgaria reiterates its commitment to the fight against impunity and to the strengthening of the international legal framework for prevention, prosecution and punishment of international crimes. We appreciate the efforts to remain consistent with the existing legal framework by incorporating the Rome Statute definitions of the crimes and by drawing inspiration from other multilateral and bilateral treaties, particularly as regards mutual legal assistance. The Republic of Bulgaria notes that the adoption of a comprehensive treaty on crimes against humanity is a significant step that can help filling a gap in international criminal law. We acknowledge that the draft articles make no compromise with upholding human rights standards as no justice can be served without taking into account the rights of the accused. ... As part of the Initiative on a multilateral treaty for mutual legal assistance and extradition of the most serious crimes we believe that the two projects remain complement to each other and with the irrelevant differences could bring added value to the international legal framework."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328840/bulgaria.pdf
Cameroon	Zacharie Serge Raoul Nyanid	Thur. Oct. 31, 2019, 4:24 PM - 4:39 PM	<p align="center">*** UNOFFICIAL TRANSLATION***</p> "With regard to the theme of "prevention and punishment of crimes against humanity", my delegation, which is a fervent defender of the rule of law and the fight against impunity, attaches great importance to the prevention and punishment of crimes against humanity. However, we would like certain concepts relating to it to be elucidated, clarified and better framed, in order to avoid the creation of permanent offenses which can be used according to mood and interest. My delegation believes that there is still some work to be done to arrive at a definition of crimes against humanity and to define their scope. For its part, it wished not only that the immunity, the corollary of sovereignty, as well as the responsibility to protect which rests primarily on the State, be respected, as long as the State of origin showed its determination to pursue the perpetrators of the said offenses. My delegation also hopes that the consensus and the real will of the States which legitimize international law will always be sought. As it stands, it is the signs of controversy surrounding this concept of international law that are leading some states to denounce the gray areas surrounding this subject, or even its selective use to justify interference in the affairs of states."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23329081/f-cameroon-statement.pdf
Canada	Canadian Delegation	Thurs. Oct 31, 2019, 10:36-10:42 AM	"Canada welcomes the Commission's work on this topic, and appreciates the leadership demonstrated by Special Rapporteur Sean Murphy. We note that this topic has been on the Commission's agenda for many years now, and that States have been engaged in several different rounds of consultation on the topic. ... As noted in our previous written submission, the Convention raises a number of other issues that would require more detailed consideration from the Government of Canada should the decision be taken to move forward with the negotiation of a Convention on Crimes Against Humanity. Some of these issues stem from the same overarching concern with the treatment of gender. For instance, the current definition of "forced pregnancy" would need to be reexamined to ensure that transgender persons are included within the definition. ... If negotiations proceed, Canada would also want to ensure that the ILC's concerted – and welcome – efforts to draw from existing international obligations in a wide variety of conventions in the drafting of the articles has not inadvertently created inconsistencies with any of those texts. In conclusion, Mr. Chairman, Canada looks forward to continued discussions on whether to proceed with the negotiation of such a Convention, and would like to underscore our appreciation for the ILC's important work in this regard."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328863/e-canada-statement.pdf

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Chile	Ambassador Mariana Durney	Thurs. Oct. 31, 2019, 12:17-12:40 PM	"Regarding the topic of "Crimes against humanity", my delegation welcomes the Commission's decision to adopt on second reading the draft articles on the prevention and punishment of crimes against humanity, together with the commentaries thereto. I warmly congratulate the Special Rapporteur, Professor Sean Murphy, on this important milestone. His hard work, professionalism and openness to constructive comments enabled the Commission to produce a valuable and balanced normative text that will play a leading role in the strengthening of international criminal law. ... [T]he Commission has prepared a draft that would eventually oblige the States which accept it to adopt a series of specific measures that prevent these wrongful acts and effectively punish them and that are reasonable in scope, enforceable and commensurate with the seriousness of the behavior constituting crimes of this type. For this reason, my delegation considers that the text adopted on second reading fully achieves the goals set by the Rapporteur and the International Law Commission at the outset of their work on this subject and is fully in line with the Commission's tradition of preparing outstanding drafts designed to become multilateral treaties responding to the needs of the international community. ... I should like to comment on certain aspects of these draft articles in order to highlight some particularly positive elements and to mention other specific aspects which could be improved, if a multilateral convention is to be concluded on the basis of their provisions. ... I should first like to note that the text is a good combination of codification and progressive development of international law. ... A convention on this subject would do much to help its States parties to adopt or maintain suitable measures to achieve these goals in which the international community has a basic stake and which are important in preventing the emergence of threats to international peace and security. ... [A] convention on this subject would provide better tools for States to investigate and punish these wrongful acts at the national level. ... The Commission's draft articles thus provide a good basis for the negotiation and conclusion of a multilateral convention. Consequently, since there is no reason not to conclude a convention on this subject, my delegation considers that the recommendation of the international Law Commission should be accepted. It therefore considers that the Sixth Committee should recommend to the General Assembly the convening an international conference of plenipotentiaries to draft a convention on the prevention and punishment of crimes against humanity, to be negotiated on the basis of these draft articles."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328717/e-chile-statement.pdf
China	Mr. Jia Guide	Mon. Oct. 28, 2019, 11:25-11:38 AM	"China always attaches high importance to the prevention and punishment of crimes against humanity as well as the fight against impunity. The elaboration of a convention, however, will involve debates over complicated issues, such as the definition and scope of crimes against humanity, and therefore must be based on the actual will of and consensus among States. At present, States are far from reaching consensus on the need for a convention. Moreover, the discussion so far at this Committee also show that many Member States still see major shortcomings since certain key provisions of the draft articles as they currently stand. For instance, many provisions derive from analogous texts found in existing international conventions, are not grounded in empirical analysis of widespread international practice, and rely primarily on the practice of international criminal tribunals that do not enjoy universality. This delegation is of the view that the time is not yet ripe for the elaboration of a convention."	Opposes a convention	http://statements.unmeetings.org/media/2/199909/e-china-statement.pdf
Colombia	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Costa Rica	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Cote d'Ivoire	Delegation of the Republic of Cote d'Ivoire	Thurs. Oct. 31, 2019, 12:41-12:47 PM	*** UNOFFICIAL TRANSLATION*** "My delegation associates itself with the statement made by Sierra Leone on behalf of the African Group. However, on a national level, I would like to make the following observations. The issues raised in the report are of undeniable importance, particularly at the national, subregional, regional and international levels. Indeed, crimes against humanity,... constitute the common and present concerns of the international community, to which it finds satisfactory answers."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328742/cote-d-ivoire.pdf
Council of Europe	Mr. Jorg Polawkiewicz	Thurs. Oct. 31, 2019, 5:01-5:10 PM	"First of all, I would like to thank the Special Rapporteur, Mr. Sean D. Murphy, for the preparation of his "Fourth Report on crimes against humanity" which also included the comments and observations received from States and international organisations. ... We would also like to congratulate the ILC for adopting on second reading the entire set of draft articles on prevention and punishment of crimes against humanity together with the commentaries there to. The Council of Europe welcomes the work of the ILC in this field and supports the recommendation of the Commission to elaborate a convention on the basis of the draft articles on crimes against humanity. ... We believe that the Council of Europe's experience in this field could be useful in the future development of a universal convention on preventing and punishing crimes against humanity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328796/e-council-of-europe.pdf
Croatia	Gordana Vidović Mesarek	Wed. Oct. 30, 2019, 4:21-4:30 PM	"Croatia would like to take this opportunity to congratulate ILC on the adoption on second reading 15 draft articles on prevention and punishment of crimes against humanity. In this regard we would also like to commend ILC and Special Rapporteur Mr. Sean D. Murphy for their work and efforts invested in the preparation of these articles. In that context, Croatia supports the recommendation made by the ILC with regard the draft articles. Furthermore, Croatia aligns itself with the statement delivered by the European Union on 'Crimes against humanity.'"	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/2200123/e-croatia-statement.pdf

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Cuba	Delegation of Cuba	Wed. Oct. 30, 2019, 3:25-3:38 PM	"We appreciate the preparation of the fourth report of the Special Rapporteur, Mr. Sean D. Murphy ... on the topic "Crimes against Humanity" and we acknowledge the work carried out by the International Law Commission in submitting a draft articles adopted on second reading. Cuba ... attaches great importance to this issue. The draft articles submitted by the Commission on Crimes against Humanity should play a fundamental role for the purposes of preventing international impunity. The fight against the impunity for international crimes committed is of utmost importance and relevance within the current international context. For that reason, Cuba welcomes the draft articles elaborated by the International Law Commission for being a valid contribution to the efforts to achieve international prevention of such crimes. It also provides us with a useful guidance for States that have not yet adopted legal regulations on the criminalization and prosecution of such crimes at the national level. ... Cuba recognizes the efforts made by the Special Rapporteur to take into account various national and regional approaches in order to enrich the draft articles and contribute to international consensus. ... The Commission should continue to consider the commentaries elaborated by States, since they will yield a practical benefit in its task of ensuring that the draft articles (and the possible future international convention on which they are based) do not conflict with the respective national legislations applicable to crimes against humanity. This action by the Commission will enable the draft articles to be widely accepted by the international community and, consequently, to become the basis for the conclusion of an international conventional instrument on the prevention and punishment of crimes against humanity and thus to serve in the efforts to strengthen the international criminal justice system. ... We wish to conclude our statement by reiterating our commitment to continue to support the commendable work that the Commission has been carrying out with respect to this and other issues under its consideration, and specifically the work carried out by the special rapporteur on this topic, Mr. Sean D. Murphy."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/220000920/cuba-e-pdf
Cyprus	Republic of Cyprus	Thurs. Oct. 31, 2019, 3:28-3:37 PM	"On the topic of crimes against humanity Cyprus expresses its appreciation to the Commission and to Special Rapporteur Sean D. Murphy for his work and the adoption of the entire set of the draft articles on second reading, noting that the Commission has recommended the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the articles. Cyprus remains committed to the fight against impunity and therefore supports the further strengthening of the international legal framework for the prevention, detection, prosecution and adjudication of the most serious international crimes. We acknowledge, in this regard, that there currently is no general multilateral convention establishing a framework for the prevention and punishment of crimes against humanity ... We also recognize that existing frameworks contain only limited provisions for mutual legal assistance and extradition. Cyprus further recalls that the Rome Statute ... primarily regulates the relations between States and the ICC. ... For these reasons, Cyprus sees merit in elaborating a convention on crimes against humanity, on the basis of the draft articles. Such a new set of rules could in our view be complementary to existing treaty structures, as well as to the Mutual Legal Assistance (MLA) Initiative ... which my delegation also supports. In order to avoid duplication, we would encourage a clearer distinction between the respective initiatives. Turning to the draft articles, Cyprus appreciates the efforts of the ILC to avoid legal conflicts with the Rome Statute. ... Ensuring full consistency with the Rome Statute of the ICC is paramount in ensuring the mutual reinforcement of both structures."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/223328753/e-cyprus-statement.pdf
Czech Republic	Mr. Petr Valek	Mon. Oct. 28, 2019, 12:48-12:55 PM	"[T]he Czech Republic welcomes the final draft articles on the topic 'Crimes against humanity' and would like to express its appreciation to the Special Rapporteur, Professor Sean D. Murphy, for the outstanding work, which led to the adoption of the draft articles on second reading this year. The Czech Republic wishes to stress the importance of the draft articles for the development of international law framework governing the prosecution of crimes under international law. The need to fill the legal gap ... cannot be overemphasized. We appreciate that the draft articles are elaborated in a complex manner that takes into account both the substantive and prosecutorial aspects ... [and] represent a model of a modern criminal law treaty, which includes all the necessary ingredients. ... We welcome most of the changes that were made in the draft articles and commentaries to them on the second reading, as they generally bring more clarity to the text and provide better guidance for the relevant actors. ... All in all, the Czech Republic would like to express its support for the elaboration of the convention on prevention and punishment of crimes against humanity on the basis of the draft articles, preferably by an international conference of plenipotentiaries. Such a convention would complement other conventions on prosecution of the crimes under international law and adequately fill in long-standing lacuna iuris in this area."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/21999920/e-czech-republic-statement.pdf
Denmark	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Ecuador	Permanent Mission of the Republic of Ecuador to the United Nations	Thurs. Oct. 31, 2019, 4:00-4:07 PM	***UNOFFICIAL TRANSLATION*** "Ecuador congratulates Sean D. Murphy for his great work as Special Rapporteur on this topic, and welcomes the draft articles on the prevention and punishment of crimes against humanity. Ecuador supports the recommendation that the General Assembly of this Organization or an International Conference of plenipotentiaries elaborate a convention on the basis of said project, in order to fill a gap in the international legal system related to the most serious international crimes and seek to promote international cooperation at the horizontal level between States for the prevention and punishment of this crime and the adoption of national law in the matter."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/223328770/s-ecuador-statement.pdf

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Egypt	Dr. Ahmed Abdelaziz	Thurs. Oct. 31, 2019, 10:05-10:17 AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"On the subject of Chapter 4 of the ILC's report, the draft articles on the prevention and punishment of CAH, my delegation would like to express appreciation to the Commission and the Special Rapporteur Mr. Sean Murphy. The great effort involved in preparing the 15 articles and the extensive commentary thereof, Egypt believes that the Commission's product to international law in question may represent an important addition to the international legal architecture for combating crimes against humanity, to ensure that the perpetrators of the grave crimes are held accountable, and to end impunity. Nevertheless, Egypt believes that achieving the Draft Articles for the desired purposes requires that the Assembly not be rushed by the public at the current session, by deciding to discuss an international convention to prevent and punish crimes against humanity or to convene a diplomatic conference for this purpose on the basis of the ILC's Draft Articles and make available time for all countries to undertake the necessary study of the draft articles and to align them with their domestic constitution and legislations. In this regard, we join the delegations that proceed us in discussing the inadequacy of making a decision on an international convention at this current session ... The appropriate decision should be taken in a future session. Egypt appreciates the mentioned internal study process as well as more from interstate consultations it is necessary for consensus on the many provisions dealt with in the articles ... The foregoing is just a limited number of issues raised by the draft articles in their current form. Without limitation, which demonstrates the need for continued study and consultation between countries before moving on to a stage of negotiating on an international agreement."</p>	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/223328713/-a-egypt-statement.pdf
El Salvador	Republic of El Salvador	Wed. Oct. 30, 2019, 3:38-3:53 PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"On the subject of "Crimes Against Humanity", my delegation wishes to join in the thanks expressed to the special rapporteur Mr. Sean D. Murphy, for his special contribution to the preparation of the draft bill on prevention and punishment of Crimes against humanity ... Undoubtedly, the draft of the articles in reference, represents a significant contribution in the topics related to the establishment of the national competence of the States for this type of crime, such as the prevention obligation attributed to them, the non-refoulement of a person when there are good grounds to believe that he would be in danger of being a victim of a crime against humanity, among other important issues in the matter, and whose regulation is necessary in order to ensure the protection of human rights. ... [M]y delegation is allowed to support the recommendation of the International Law Commission, in the sense of promoting that the draft articles be incorporated into a convention on the subject; because this would attribute a greater obligation and legal certainty to the States and, in a better way, would ensure compliance with the obligations as regards the prevention and control of this type of crimes; since, as our Constitutional Chamber has stated Supreme Court of Justice in its jurisprudence: "crimes against humanity [...] are inhuman acts of a particular gravity that denote a feeling of criminality towards human existence, a sense of debasement of dignity and of the detracting of human values and rights non-derogable fundamentals or norms of international jus cogens; therefore they constitute authentic crimes of the State and international crimes as they seriously undermine human beings."</p>	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/223328695/-el-salvador.pdf
Estonia	Republic of Estonia	Thurs. Oct. 31, 2019, 11:39-11:51 AM	<p>"Estonia would like to congratulate ILC for finalizing their work and adopting draft articles on prevention and punishment of crimes against humanity accompanied with commentaries. Estonia has supported the work of ILC in the field of crimes against humanity from the inclusion of the topic in the ILC's work programme and more actively during the last years. Estonia highly values the work of Special Rapporteur Mr Sean D. Murphy and reports prepared. ... We are glad that the process of ILC on the preparation of draft articles and their commentaries has been a transparent and inclusive one and that all interested states, organizations, as well as civil society have had the possibility to contribute. ... We are also inspired by the attention paid in the ILC drafting process to the commentaries of States. ILC has completed its work and now it is for States to continue it. Estonia would like to join all other delegations who have already expressed their support to the draft articles in their entirety and to the elaboration of a relevant convention based on the draft articles. We are flexible whether the work will be carried out within the framework of UNGA or at an international conference. However, the latter being our preference. There are two aspects we would like to stress in this connection. Firstly, we would like to express our strong support to the recommendation of the ILC to elaborate a convention based on the draft articles and its commentaries. Secondly, we would like to stress the inclusiveness of the drafting process and its quality, so that after completion of the work, we will come to a universally accepted and universally ratified international convention, which helps to safeguard peace and security and well-being of our nations. ... [The] draft articles take into account the developments of international law, set a realistic outlook for the future and constitute an appropriate basis for the preparation of a convention against crimes against humanity. ... Elaboration of the convention on elimination and prevention of crimes against humanity will fill the current gap in international law and will strengthen the international criminal law system alongside relevant international treaties on genocide and war crimes. This will assist, inspire and oblige states to review their national laws and strengthen international cooperation to stand against most serious international crimes and fight impunity."</p>	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/223328695/-e-estonia-statement.pdf
European Union	Mr. Lucio Gussetti	Mon. Oct. 28, 2019, 11:13-11:16 AM	<p>"[L]et me first start by thanking the International Law Commission and in particular the Special Rapporteur, Mr. Sean D. Murphy, for their continuous and tireless efforts in the preparation of the draft articles on prevention and punishment of crimes against humanity, and by congratulating the ILC for the adoption on second reading of a full set of 15 draft articles. The present statement reflects the longstanding commitment of the European Union, as well as of its Member States, in the fight against impunity for the most serious crimes of concern to the international community as a whole. ... [T]he EU sees the elaboration of a Convention as a major step to strengthen the international criminal justice system, to put an end to impunity for the perpetrators of crimes against humanity and to contribute to their prevention. The EU therefore strongly supports the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably, by an international conference of plenipotentiaries."</p>	Explicitly favors a process to develop a convention	(No PDF Link available)
Finland	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	

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France	Mr. Francois Alabrune	Mon. Oct. 28, 2019, 12:19-12:34 PM	***UNOFFICIAL TRANSLATION*** "The French delegation welcomes the adoption, at second reading, of the draft articles on the prevention and punishment of crimes against humanity and the comments thereon. In the opinion of the French delegation, this very successful draft articles should logically be adopted in the form of an international convention of as broad a scope as possible. France supports the organization of a plenipotentiary conference for the purpose of adopting such an international convention. To conclude on crimes against humanity, it should be stressed that this draft articles constitutes a model for the ILC: very high quality work, carried out within a reasonable time, on subjects which are destined to become international instruments meeting the needs of States."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328954/france-statement.pdf
Germany	Federal Republic of Germany	Wed. Oct. 30, 2019, 3:06-3:15 PM	"Germany highly welcomes the work of the International Law Commission on the topic of crimes against humanity. We thank Special Rapporteur Sean Murphy for his outstanding contribution and the Commission for completing its work on the draft articles. We appreciate that the Commission not only invited member States to comment on the articles in their various draft stages, but that it took on board their suggestions and concerns. In many respects, this has been the ILC at its best. ... We deem it important that all States - including those that have expressed certain reservations with regard to the ICC as an institution - would have at their disposal a legal instrument that aims at preventing and punishing, at the national level, crimes against humanity. The draft articles do not contain unusual or burdensome obligations for states. They rather remain within the familiar framework of international criminal cooperation. ... This year's General Assembly has the important task of putting the draft prepared by the International Law Commission on the right track. ... Germany fully supports the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/22000082/germany.pdf
Greece	Ms. Maria Telalian	Tues. Oct. 29, 2019, 11:302-11:14 AM	"Greece would like to thank the Special Rapporteur for his extensive fourth report on this matter, compiling the comments submitted by States, international organizations and others on the Draft Articles adopted on first reading and explaining the way he intended to address them"... "We also welcome the Draft Articles on prevention and punishment of crimes against humanity adopted this year on second reading as well as of the Commission's decision to recommend the elaboration of a convention either by the General Assembly or by an international conference of plenipotentiaries, on the basis of these Draft Articles"... "With regard to the text of the Draft Articles adopted on second reading, we would also like to welcome some significant improvements brought thereto..." "Regarding the recommendation of the Commission on the outcome of its work, and more specifically the elaboration of a Convention, Greece supports the opening of a negotiation process on the basis of the current Draft Articles, and is ready to actively participate therein"... "In our view, however, a solution has to be found in relation to the MLA Initiative" ... "...there is a significant amount of overlap between the Draft Articles and the first Draft of the Convention on which discussions between the supporters of the Initiative were held -albeit not conclusively as to the scope of the future Convention- last March in The Netherlands"... "We also agree with the Rapporteur's assessment that the simultaneous pursuit by States of both initiatives might be inefficient and confusing and risks the possibility that neither initiative succeeds. In our view, this risk can be avoided and the two projects can indeed become mutually complementary only if the irrelative scope and objectives become clearly distinct: a pure criminal convention, on the one hand, deprived of disproportionately extensive provisions on extradition and mutual legal assistance and, on the other, a pure procedural treaty on extradition and mutual legal assistance addressing genocide, crimes against humanity and war crimes...."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999939/greece.pdf
Holy See	H.E. Archbishop Bernardito Auza	Thurs. Oct. 31, 2019, 4:49-4:55 PM	"Crimes against humanity must be condemned and efforts at all levels aimed at relegating such crimes to the pages of history must be given due priority. ... [T]he Holy See welcomes the text of the "draft articles on prevention and punishment of crimes against humanity" prepared by the International Law Commission as well as its decision to recommend to the General Assembly the elaboration of an International Convention, on the basis of those draft articles, by the same General Assembly or by conference of plenipotentiaries. As my Delegation has stated in the past, the Holy See supports the work aimed at the elaboration of such a Convention and will engage constructively in the negotiations. ... As work towards a possible Convention continues, my Delegation suggests that the following two issues be kept in mind: First, the new Convention should give all people an opportunity to seek justice and to have their voices heard on an international level, especially those under threat of these crimes. ... Second, the future Convention must provide for the need to assist States with fragile or weak judicial and security systems, ... My Delegation would like to conclude by encouraging international actors to commit themselves to act in the timeliest manner possible to prevent violence and to act decisively to stop atrocities at their onset. In addition to new legal instruments, we need to strengthen further the preventative diplomacy mechanisms and early warning systems so as to prevent the commission of crimes against humanity and other mass atrocities."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328790/e-holy-see-statement.pdf
Honduras	Permanent Mission of the Republic of Honduras to the United Nations	Thurs. Oct. 31, 2019, 12:00-12:04 PM	***UNOFFICIAL TRANSLATION*** "...Honduras thanks the Commission for approving, under the leadership of Special Rapporteur Sean D. Murphy, the Draft Convention for the Prevention and Punishment of Crimes against Humanity, which it has been developed since 2014, composed of 1 draft preamble, 15 draft articles and 1 draft annex, and commentary. This draft Convention complements international human rights law, international criminal law and international humanitarian law. ... This is why the Republic of Honduras supports the recommendation of the ILC that the General Assembly or an international Plenipotentiary Conference prepare a convention on the basis of the Draft Convention for the Prevention and Punishment of Crimes against Humanity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328890/honduras-cluster-1-cdi-rev-31-oct.pdf
Hungary	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Iceland	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
India	Ms. Uma Sekhar	Thurs. Oct. 31, 2019, 10:17-10:21 AM	"As regards to the topic on 'crimes against humanity', we welcome the fourth report of the Special Rapporteur, Mr. Sean Murphy. ... In this regard, we reiterate our position that, considering the international mechanisms that are already dealing with the matter, including the International Criminal Court, necessity of having a Convention exclusively addressing crimes against humanity need to be examined. In our view, the Rome Statute provides sufficient legal basis for the domestic criminalization and prosecution of crimes against humanity. In addition, any work on this topic could lead to duplicating the efforts already undertaken in existing regimes."	Opposes a convention	http://statements.unmeetings.org/media/2/23328673/india.pdf

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COUNTRY	NAME OF SPEAKER	DATE AND TIME	ABBREVIATED STATEMENT	STATEMENT CODE	HYPERLINK
Indonesia	Delegation of the Republic of Indonesia	Thurs. Oct. 31, 2019, 3:53-3:59 PMA38:C38	"On the work of Crimes against Humanity, Indonesia takes note of the entire set of draft articles on prevention and punishment of crimes against humanity ... We would like to highlight the utmost importance of the provisions contained within the draft articles, particularly Articles 6 and 7 on criminalization under national law and establishment of national jurisdiction respectively. Equally crucial are Articles 13 and 14 of the Draft, which comprise of essential elements on the prevention and punishment of crimes against humanity, namely extraditions and mutual legal assistance. ... Indonesia also wishes to reiterate its position that ending impunity and denying safe haven to individuals who commit crime against humanity is our responsibility. At the same time let us bear in mind that, in fact, there are still divergences of position concerning the scope and application of the principle of universal jurisdiction, which reflect, among others, in the scope and list of such crimes."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328765/-e-indonesia-statement.pdf
Iran	H.E. Mr. Abbas Bagherpour Ardekani	Thurs. Oct. 31, 2019, 3:38-3:53 PM	""[W]e would like to thank the Special Rapporteur Mr. Sean D. Murphy for his contributions to this process. We, the Member States, are all committed to the noble objective of preventing and punishing crime against humanity, fighting impunity and ensuring accountability for serious crimes. The project would be effective if guided purely by human rights and human dignity and provide assurances to prevent and punish crimes against humanity free from political considerations and selective approaches detrimental to the whole process. In continuation of my delegation's previous remarks, I would like to make the following comments in this regard: ... In the light of the above and taking in to consideration the diverging comments and observations of the Member States, it is our understanding that the draft Articles still need some work so as to allow the relevant authorities of the Member States to make an informed decision. ... We are of the view that such an important instrument should be the product of an inclusive intergovernmental and member states driven process and the work of the ILC could be considered as a valuable source in a well-defined process that could be shaped under the auspices of the Sixth Committee."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23328755/-e-iran-statement.pdf
Ireland	Mr. James Kingston	Thurs. Oct. 29, 2019, 11:15 AM - 11:21 AM	"In relation to Crimes against Humanity, Ireland aligns itself with the statement delivered by the European Union and would like to offer the following additional observations. ... Ireland believes that it is crucial to ensure that the important momentum achieved by the Commission's work on this important topic is not lost. In that regard, Ireland strongly supports the call for the elaboration of a Convention based on the draft Articles, preferably by an international conference of plenipotentiaries. My delegation welcomes the consideration given by the Special Rapporteur and the Commission to the relationship between their work and the Joint initiative for a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes. Ireland remains supportive of these two complementary initiatives. My delegation believes that both are important and both have the potential to contribute in a practical and significant way to the fight against impunity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23329044/-e-ireland-statement.pdf
Israel	Ms. Sarah Weiss Ma'udi	Thurs. Oct. 29, 2019, 10:29 - 10:52 AM	"The Government of Israel would like to express its deep appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of "Crimes against Humanity". Israel welcomed the work of the International Law Commission from the outset, as an expression of its consistent commitment to the prevention and punishment of grave international crimes that are of concern to the international community as a whole, including crimes against humanity. Israel notes the provisional adoption by the Drafting Committee on second reading of the Draft Preamble, the Draft Articles and the Draft Annex: Prevention and punishment of crimes against humanity. While, in our view, several concerns raised by Israel and other States throughout this process were not sufficiently addressed in the documents adopted by the Drafting Committee, we, nonetheless, sincerely commend the Special Rapporteur for a transparent work process, and for the methodology which he has employed, which emphasized the importance of relying on State practice. ... In general terms, Israel is of the view that a comprehensive treatment of the prohibition on crimes against humanity would benefit the international community. We further believe that in order to secure the broadest acceptance of such a project, and to ensure its utility, it is of critical importance that the Draft Articles accurately reflect customary law and widely accepted principles on the subject and – of no less importance – that they contain effective safeguards against potential abuse. ... Prior to any agreement on the desired forum for the negotiation and elaboration of any convention on this subject, it is clear that further deliberation is required on several critical and outstanding issues raised by many States, including Israel. ... Indeed, in light of the concrete and detailed comments many States have submitted regarding specific Draft Articles, the differences that exist, and the importance of the subject matter, it seems inadvisable to regard the current Draft Articles automatically as a "zero draft" for any future process. Equally, it seems appropriate that States be given adequate time to review and consolidate their positions and effectively address outstanding issues in a process informed by the work of the ILC on this topic, which should serve as a basis for such discussion. We would thus support the proposal to establish a forum within the framework of the seventy-sixth session of the Sixth Committee, in which States would come prepared to review this matter, and engage in an inclusive, robust and efficient discussion focused on clarifying outstanding issues and resolving significant differences towards the potential elaboration of a convention. ... We are all no doubt familiar with the way in which hasty and ill-considered political bargains can be generated under the pressure to conclude a convention at all costs once a conference has been convened, and avoid the appearance of failure. Ostensible agreement may be achieved in the moment, but the result risks producing bad law and bad outcomes for decades to come, while risking the exclusion of many States from joining foundational legal documents such as the one under discussion here. The wiser and more sustainable course, in our perspective, is to move more cautiously, even if somewhat more slowly, to ensure a firm legal foundation is established, wide legitimacy is achieved and as inclusive a process as possible is undertaken, so that the ultimate legal product adopted is one that is effective and will stand the test of time."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23329042/-e-israel-statement.pdf
Italy	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	

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Japan	Mr. Yukiya Hamamoto	Thurs. Oct. 31, 2019, 10:58-11:09 AM	"...I would like to address the topic of the draft articles on "prevention and punishment of crimes against humanity". Japan would like to congratulate the successful completion of the second reading. Especially, Japan extends its gratitude to Professor Sean Murphy, the Special Rapporteur. Japan regards this topic, not as the codification of existing law, but as a legislative work aimed at making a treaty. In order for the draft articles to be adopted as a treaty and receive broad support among States, national criminal laws of States need to be taken into account. From that perspective, I would like to stress five points. ... Japan would like to emphasize that it is important to put an end to impunity for crimes against humanity. Japan highlights these points in order to ensure that the draft articles gain wide support among a large number of States."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328683/e-japan-statement.pdf
Liechtenstein	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Lithuania	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Luxembourg	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Malaysia	Ms. Norizan Che Meh	Thurs. Oct. 31, 2019, 12:08-12:12 PM	"Malaysia records its gratitude and deep appreciation as well as warm congratulations to Mr. Sean D. Murphy, Special Rapporteur of this topic for his outstanding contribution that has been made towards the preparation of the draft articles through his tireless efforts and devoted works until its excellent completion. ... Malaysia further comprehends that matters pertaining to impunity of the perpetrators of international crimes, including crimes against humanity are of prime importance and require crucial attention relating to the investigation and prosecution of such offences, as well as international cooperation. In this regard, considering the current development of the study on this topic and the adoption of the draft articles by the ILC, Malaysia is flexible with the recommendation for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328715/e-malaysia-statement.pdf
Malta	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Mexico	Mexican Delegation	Tues., Nov. 05, 2019, 3:15 - 3:24 PM	***UNOFFICIAL TRANSLATION*** "Mexico considers it positive that the Commission's work on this important issue has materialized in a draft of articles that may eventually be adopted by the international community in the form of a Convention. In accordance with the recommendation of the ILC, Mexico hopes that the Sixth Committee will not rule out the possibility that the UN General Assembly or a conference of plenipotentiaries will elaborate a convention based on the articles. ... Unfortunately, we live in times in which crimes against humanity continue to be committed in the world. Precisely for this reason, the debate on the role of States in the face of threats to international peace and security that these atrocities may entail is so urgent. The study of crimes against humanity, and in particular of the obligations aimed at their prevention, eradication and sanction, and the applicable principles of law, continue to be of the utmost importance. We will closely follow the negotiations in the Sixth Committee on the treatment of this issue, hoping that we can define a process aimed at negotiating a convention. We thank Special Rapporteur Sean Murphy for his work."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23329077/e-mexico-statement.pdf
Morocco	The Permanent Mission of the Kingdom of Morocco to the United Nations New York	Tues., Nov. 05, 2019, 10:08 - 10:18 AM	***UNOFFICIAL TRANSLATION*** "In this regard, and without wishing to bounce back on the substance of the subjects whose examination was completed under the first thematic group, it is important for us to point out that on the draft articles relating to crimes against humanity in particular, and of which we highly value the efforts that have been undertaken for its finalization, the Kingdom of Morocco will subsequently deliver its detailed comments in writing, it being specified that at this stage, we believe that some of its key aspects need to be the subject of an in-depth examination with all the national public institutions which will be concerned in the future by the implementation of the Convention that it is called to become."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23329104/f-morocco-statement.pdf
Netherlands, The	Dr. René Lefeber	Tues. Oct. 29, 2019, 10:08-10:20 AM	"The Netherlands welcomes the ILC Draft Articles on Crimes Against Humanity and strongly supports the recommendation of the Commission for the elaboration of a convention by an international conference of plenipotentiaries on the basis of the draft articles. We associate ourselves with the statement on the draft articles by the EL which is reflective of our support and the longstanding commitment of the European Union as well as of its Member States to the fight against impunity for the most serious crimes of concern to the international community as a whole. ... As one of the initiators of ... the MLA-initiative- now supported by 69 States- please allow me to also address the question regarding the relationship between a future convention on crimes against humanity and the MLA-initiative. Let me note that although there are convergent qualities between the MLA-initiative and the ILC Draft Articles, there are also relevant differences. ... Based on their respective qualities and characteristics, I would like to stress that the two initiatives are mutually supportive as they work towards the same goal: both seek to fill a gap in the legal framework that underpins the fight against impunity for the worst international crimes. While doing so, both initiatives proceed along different trajectories and with different scopes. Both frameworks can therefore be seen as complementary, and can co-exist and continue to develop side by side."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/2199929/netherlands.pdf

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New Zealand	Ms Gabrielle Rush	Thur. Oct. 29, 2019, 11:52 AM - 12:00 PM	"New Zealand echoes the tributes paid to the Special Rapporteur, Mr Sean Murphy, by the Commission and other delegations, and thanks him for his fourth report. This report reflects his careful consideration of over 750 comments, including comments from 38 member states. We are pleased to see that the 15 draft articles have now been delivered to the General Assembly. The draft articles reflect two amendments which we would like to highlight. Firstly, we are pleased to see Article 3 on General Obligations now includes an explicit obligation for states not to engage in acts that constitute crimes against humanity. This clarity means there can be no doubt or room for obfuscation in the future. Secondly, New Zealand thanks the Special Rapporteur for carefully considering whether it was appropriate or necessary for the draft articles to include a definition of gender. New Zealand considers the decision to remove this definition to be a positive development which reflects the diversity of concepts of gender identity across the world. This change also removes the risk of such a definition being at odds with national legislation. We have heard the different views expressed during this debate on how we should proceed with this important work, and we consider that through further dialogue we will collectively identify a path toward its conclusion. New Zealand considers that the elaboration of a convention, based on the Commission's work, would complete the important exercise of codification of the most serious crimes of international concern."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/3329084/e-new-zealand-statement.pdf
Norway (on behalf of Nordic Countries)	Statement	Mon. Oct. 28, 2019, 11:16-11:25 AM	"The adoption this year on second reading of the entire set of draft articles on prevention and punishment of crimes against humanity stands out as a particularly significant achievement. ... [W]e would especially like to extend our compliments to the Special Rapporteur Mr. Sean D. Murphy and express our deep appreciation for his outstanding contributions to this significant achievement. ... The draft articles and their commentaries have significant potential for great practical relevance to the international community. The Nordic countries welcome the ILC's recommendation to the General Assembly to elaborate a convention on the basis of the draft articles, on prevention and punishment of crimes against humanity, either by the General Assembly itself or by an international conference of plenipotentiaries. Among the three core international crimes, only crimes against humanity lack a convention. International norms can in turn contribute to national laws, national jurisdiction and cooperation among States in the fight against impunity. The Nordic countries continue to steadfastly support this work that is a timely and welcome contribution to the fight against impunity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999812/e-norway-on-behalf-statement.pdf
Panama	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Thurs. Oct. 31, 2019, 4:39-4:43 PM	***UNOFFICIAL TRANSLATION*** "...With regard to Chapter IV of the Report, my delegation greets and congratulates Mr. Sean Murphy, Special Rapporteur on the topic "Crimes against humanity", for the second reading of the draft articles on the prevention and punishment of crimes against humanity. Bearing in mind that, of the crimes on which the international criminal courts and courts have often been competent, the crime protocol and the war crimes have already been subject to conventional regulations of a universal nature, Paraguay considers it essential that the international international community move towards an international instrument. Only legally binding on the prevention and punishment of crimes against humanity" ... "Consequently, Paraguay reiterates its strong support for the establishment of a universally binding universal convention on crimes against humanity and considers that its approval is fundamental in the current framework of international law, in particular, in the sphere of the international humanitarian right, the international right and international right of human rights, which highlights the fundamental need to prevent and sanction these crimes, as well as the promotion of cooperation between them."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328787/paraguay.pdf
Peru	Permanent Mission of the Republic of Peru to the United Nations	Thurs. Oct. 31, 2019, 4:43-4:49 PM	***UNOFFICIAL TRANSLATION*** "...In relation to Chapter IV of the Commission's Report, it seems appropriate to highlight the merit of having completed the second reading of the draft articles on prevention and punishment of crimes against humanity.... we want to transmit our appreciation to Special Rapporteur Professor Sean Murphy for his work and accompany the recommendation of the International Law Commission for the General Assembly or an international conference of plenipotentiaries to draw up a convention on the basis of said project... Undoubtedly, crimes against humanity are part of the most serious crimes of importance to the international community as a whole, which makes it necessary to fine-tune the authority of the criminal authorities and contribute to their prevention..."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328788/s-peru-statement.pdf
Philippines, The	Maria Angela A. Ponce	Thurs. Oct. 31, 2019, 4:24 PM - 4:39 PM	"On Chapter IV, "Crimes against humanity", we consider the draft articles as an important contribution to the international community's collective efforts to deter and curtail atrocity crimes. The Philippines affirms its commitment to fight against impunity for atrocity crimes, notwithstanding our withdrawal from the Rome Statute, especially since the Philippines has had, for 10 years now, national legislation punishing atrocity crimes. ... It criminalizes, at a national level, crimes against humanity, a primary obligation called for in the draft articles. While we understand the enthusiasm of certain delegations and of the Commission to proceed immediately to the negotiation of a convention based on the draft articles ... we are of the view that further consideration by States on the draft articles and commentaries is still needed at this stage. This is a process that, as other delegations have said, cannot proceed in haste. We share the United States' concern that the draft articles need to be flexible in implementation, account for a diversity of national systems, parties to the Rome Statute and States that are not parties to the Rome Statute; as well as the concern on overbroad assertions of jurisdiction by national and international courts."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23329079/philippines-31-oct.pdf
Poland	Mr. Konrad Marciniak	Mon. Oct. 28, 2019, 12:56-1:07 PM	"With regard to the topic "Crimes against humanity" Poland welcomes the adoption by the Commission of the set of articles on the second reading and would like to thank in particular the Special Rapporteur Mr. Sean Murphy for his fourth report and generally for the able leadership he continues to provide. As upholding international law is one of our priorities, we are of the view that supplementing current international framework concerning prevention and punishment of atrocity crimes is of vital importance. Thus, my delegation believes that there is a need to continue the work, including through convening of the intergovernmental conference of plenipotentiaries, towards drafting a convention on the basis of the articles prepared. At the same time, we reserve the right to provide some detailed comments concerning the text of the articles during subsequent work in this respect."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999918/e-poland-statement.pdf

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Portugal	Ms. Susana Vaz Patto	Wed. Oct. 30, 2019, 4:30-4:40 PM	"Allow me to express my delegation's appreciation to the Special Rapporteur, Mr. Sean Murphy, and to the Commission for their thorough work on this. In our view, it represents a significant advancement in the prevention and punishment of crimes against humanity. ... Over the past years, during our discussions on this subject at the Sixth Committee, Portugal has had the opportunity to underscore the relevance that we attach to this topic. The final outcome that we have before us confirms our conviction that it is possible to build, on the basis of these draft Articles, a suitable internationally binding legal framework. Therefore, we welcome and support the Commission's recommendation to the General Assembly to elaborate an international convention on the basis of the draft articles on prevention and punishment of crimes against humanity. ... Notwithstanding Portugal's support to the draft Articles, allow me to offer a few remarks. ... My delegation would also like to make a brief reference to the Mutual Legal Assistance Initiative, ... In our view, these proposals are complementary and there are different ways in which they can be developed together. However, the existence of these two projects should not be used as an excuse to not proceed with any of them. To conclude, it is Portugal's position that this is the right moment to convene an international conference to negotiate and adopt a convention on 'crimes against humanity' on the basis of the draft Articles produced by the Commission. To conclude, it is Portugal's position that this is the right moment to convene an international conference to negotiate and adopt a convention on 'crimes against humanity' on the basis of the draft Articles produced by the Commission. We sincerely hope that the General Assembly rises to its responsibility under the Charter of the United Nations to codify and progressively develop international law and thus decides on the necessary steps to bring these draft Articles into life."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328669/portugal.pdf
Republic of Korea	Mr. Ki-Jun You	Thurs. Oct. 31, 2019, 11:16-11:22 AM	"I would like to express my sincere gratitude to the Commission for adopting the draft articles on the Prevention and Punishment of Crimes against Humanity. I would also like to convey my deep appreciation to the Special Rapporteur, Professor Sean D. Murphy, for his contribution to the Commission's work in this area. The Republic of Korea generally supports the overall content of these draft articles. We believe that, if adopted, they could provide a suitable legal basis for strengthening law enforcement cooperation among States, particularly in the absence of bilateral treaties on extradition or mutual legal assistance. We would like to stress that the draft articles should be in line with the Rome Statute of the ICC as much as possible, so as to maintain coherence and stability in international criminal justice system. ... The Republic of Korea is also of the view that careful consideration should be given to the relationship between the draft articles on crimes against humanity and other relevant international instruments, including the initiative to adopt a new Convention on Mutual Legal Assistance for Crimes against Humanity, Genocide, and War Crimes. ... In addition, my government, in principle, shares the view that further efforts for the elaboration of a convention building on the draft articles adopted by the Commission should be made either at the UN General Assembly or a diplomatic conference. Whatever the future plan may be, the Republic of Korea believes that further discussions among States about consultation methods and procedures are needed, and that the opinions of States should be fully heard throughout these discussions."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328885/republic-of-korea.pdf
Romania	Mrs. Alina Orosan	Mon. Oct. 28, 2019, 11:54-12:08 PM	"[M]y delegation echoes the statement of the European Union and extends its deep appreciation to the Commission and the Special Rapporteur, Mr. Sean D. Murphy, for the impressive work done on this topic and for the rich research material provided in the context. Romania favours developing the draft articles into a global convention on prevention and punishment of crimes against humanity which will provide a strong legal basis for inter-state cooperation on the prevention, investigation and prosecution of such crimes. There is also a need for a coherent approach in relation to all crimes of grave concern to the humankind to ensure that no fragmentation occurs especially in what concerns inter-state cooperation and mutual legal assistance. In this manner the overall objective of prevention and punishment of these crimes can be effectively attained."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999955/romania_28-oct-am.pdf
Russian Federation	Statement by the Representative of the Russian Federation	Wed. Oct. 30, 2019, 4:03-4:21 PM	***UNOFFICIAL TRANSLATION*** "With great interest we became acquainted with Mr. Murphy's fourth report on the topic "Crimes against humanity", which marked the final stage of the Commission's consideration of this topic prior to the adoption of the draft articles during the second reading. We express appreciation to the Special Rapporteur for his thoughtful and responsible attitude towards his work. We note the inclusion in the document of a detailed analysis of the positions of governments, international organizations, and other structures. This is principally important for the work of the Commission as a unique entity, which represents an embodiment of the thoughts of all the world's judicial systems. Demand for the results of the Commission's work in the future is directly related to taking into account the opinions and practices of governments. This is also a guarantee of the maintenance of the Commission's authority, based on an objective and candid approach to the consideration of a large variety of issues. We have taken note of the recommendation to the Commission by the UN General Assembly regarding the further role of the draft articles. We believe that the perspective of the development of a convention, into the basis of which they could be placed, demands a thorough assessment. This will need time. ... [I]n parallel with the Commission's draft articles there is a separate initiative, put forward by certain governments, on the development of a convention of international cooperation regarding investigations and criminal apprehensions in cases of genocide, crimes against humanity, and war crimes. Its text largely echoes the Commission's draft articles. We share the concern of the Special Rapporteur that the simultaneous realization of two projects on a similar topic may be complicating, and in the end neither of them may be crowned with success. Besides this, so far as we understand, a diplomatic conference with the goal of adopting a convention on legal aid has also been scheduled for next year. It would be wise to consider the format of future work taking these circumstances into account. We would like to comment on the position of the draft articles, which could become problematic in future work on a convention. ..."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/2000110/r-russian-statement.pdf

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Senegal	Permanent Mission of the Republic of Senegal to the United Nations	Thurs. Oct. 31, 2019, 3:24-3:28 PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"My delegation agrees with the statement made by the African group and would like, on a national basis, to make some general remarks before returning to the "crime against humanity". In this respect, my delegation would argue that the scale of work should not prevent us from noting that it is possible to improve the presentation of the report and to nationalize the issues of concern to the Commission. ... [M]y delegation welcomes the second reading of the draft articles on the "crime against humanity" and congratulates the Special Rapporteur, Professor M. Sean D. Murphy, who, in this framework, adopted this pluralistic approach. Attaching paramount importance to the fight against impunity for the most serious crimes that strike out collective conscience, Senegal adheres to the idea of drawing up an international convention on the basis of these draft articles. However, it remains clear to my delegation that acting in concert to bring an end to mass crimes requires everyone to respect the fundamental foundations of our human society. This is why the deletion, ... for the definition of gender, concerns us and will undoubtedly remain one of the major obstacles to the elaboration of the convention. Furthermore, convinced that in order to effectively combat impunity, we not only need a credible framework that would assist in the prosecution of the perpetrators but also develop and strengthen national capacities for investigations and prosecutions. Senegal has adhered to the ... MLA initiative. ... We believe that both of these initiatives are mutually reinforcing and complementary to our common objective of combating the impunity of the most serious crimes, an objective that requires the promotion of coordinated approaches."</p>	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328751/f-senegal-statement.pdf
Sierra Leone (on behalf of African Group)		Mon. Oct. 28, 2019, 11:04-11:13 AM	"The African Group pays tribute to the Commission, its Bureau, Members and the Special Rapporteurs, especially Mr. Sean Murphy of the United States of America for the adoption of the draft articles on the prevention and punishment of Crimes against Humanity with the commentaries on second and final reading."	Takes no explicit view on a process (neutral)	http://statements.unmeetings.org/media/2/2199907/e-sierra-leone-statement.pdf
Sierra Leone	Dr. Michael Imran Kanu	Thurs. Oct. 31, 2019, 3:08-3:23 PM	"Sierra Leone is firmly committed to the global fight against impunity for the most serious crimes of concern to the international community as a whole. We believe that all States should spare no effort to bring to justice those most responsible for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. ... Sierra Leone believes that global accountability efforts could be significantly strengthened by a multilateral treaty on crimes against humanity. Such a treaty will fill a major gap in the current substantive law of international crimes. It will, inter alia, provide much needed clarity and stability to crimes against humanity that so far has only been possible for genocide and war crimes especially if it enhances horizontal cooperation between States in the investigation and prosecution of crimes against humanity. Against this background, Sierra Leone warmly congratulates the Commission for the adoption, upon second reading ... of a draft convention on the prevention and punishment of crimes against humanity. The draft articles appear to reflect an appropriate mix of codification and progressive development of international criminal law, consistent with the mandate and working methods of the Commission. ... Sierra Leone wishes to express to the special rapporteur, Mr. Sean Murphy, our deep appreciation and warm congratulations for the excellent contribution he has made to the preparation of the draft articles through his tireless efforts and devoted work and for the results achieved. We are equally grateful to the Commission for its efforts to address the extensive number of comments received on the first reading draft text, including those from Sierra Leone. We regret that most African States did not comment on the first reading text. This would have shared more of Africa's experience with the challenges of addressing atrocity crimes, including crimes against humanity, in often fragile conflict and post-conflict contexts. Such participation might have even strengthened the text of the draft articles as well as African ownership of the final outcome. ... Allow us to make a few brief remarks on the substance. ... Overall, although we are still studying the final outcome from the Commission and without prejudice to our position in any future negotiations, Sierra Leone can share our general impression that the draft articles adopted by the Commission provide a robust and transparent foundation for a future global convention on the prevention and punishment of crimes against humanity. We hope that the Commission's excellent and timely work on this topic will in the future be remembered as yet another signal ILC contribution to the development of international criminal law."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328748/e-sierra-leone.pdf
Singapore	Ms. Daphne Hong	Tues. Oct. 29, 2019, 10:52-11:14 AM	"Singapore expresses its appreciation to the Commission for completing its work on the topic "Crimes against humanity" in an open and consultative manner. We also wish to commend, in particular, the Special Rapporteur, Professor Sean Murphy, for producing a quality product in a relatively short time ... [W]e greatly appreciate the Commission's clear efforts to engage with Member States. We do, however, remain of the view that the draft articles should be further improved or clarified in the manner proposed in our written comments. ... We have also read with interest the numerous written submissions made by others, many of which contain very detailed comments. These submissions contain many valuable ideas, but also demonstrate that there remain some divergences in views. In this regard, my delegation looks forward to hearing the views of other delegations in the course of the present debate, including on the issue of what further action should be taken on these draft articles. ... Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims. In this regard, the Commission's draft articles and commentaries can contribute to the strengthening of accountability by providing useful practical guidance to States on this topic."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/21999835/singapore.pdf

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity
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74th SESSION OF THE UNGA (2019)					
COUNTRY	NAME OF SPEAKER	DATE AND TIME	ABBREVIATED STATEMENT	STATEMENT CODE	HYPERLINK
Slovakia	Mr. Metod Špaček	Mon. Oct. 28, 2019, 12:08-12:18 PM	"Slovakia notes with sheer satisfaction that the Commission has completed its works on the topic of Crimes against humanity having adopted the set of 15 draft articles with commentaries on second reading. We use this opportunity to congratulate the Commission for the outcome that is genuinely suitable for immediate codification. The set of articles is carefully drafted with adequate commentaries. Thus, the final outcome of the topic fully meets our expectations we had at the beginning of the Commission's work. Slovakia, therefore, absolutely endorses the recommendation of the Commission to the General Assembly to proceed to elaboration of convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. We have a preference for the second option, since a diplomatic codification conference is the most suitable forum for the elaboration of a convention on the basis of ILC draft articles. Slovakia also adheres to the Commission's special tribute to the Special Rapporteur, Professor Sean D. Murphy for his extraordinary work and commitment to the topic, as well as devoted and tireless efforts. Especially, we appreciate the consistency of the approach with which the topic has been treated, still with due regard to the comments made by States, thus producing an outstanding and balanced outcome. Besides, we give the Special Rapporteur credit for the 4th report, as well. The report demonstrates a significant amount of overlap between the MLA initiative and the draft articles. Slovakia takes note with concerns of this analysis, as well as of the view of the Special Rapporteur that pursuit of both initiatives might be inefficient and confusing and risks the possibility that neither initiative succeeds. Nevertheless, we are still inclined to believe those two initiatives are to be complementary and we are determined to engage in procedural steps leading to adopting a new convention on prevention and punishment of crimes against humanity on the basis of the draft articles. We strongly encourage other States not to misuse the analysis and the view of the Special Rapporteur as a bar to proceed to the elaboration of the convention."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/21999915/e-slovakia-statement.pdf
Slovenia	Mr. Borut Mahnič	Wed. Oct. 30, 2019, 3:53-4:03 PM	"Slovenia wishes to express its appreciation to the international Law Commission and, in particular, the Special Rapporteur Shawn D Murphy for his extensive efforts on the topic, including for his fourth report, on the basis of which the Commission adopted an entire set of draft articles on the prevention and punishment of crimes against humanity. ... Slovenia recognizes the particular importance of the topic at hand. ... Slovenia recognizes that the codification of the crimes against humanity in a special convention would help fill the existing codification lacunae in international law on a global level. Slovenia therefore hopes that the draft articles may serve as the basis for the conclusion of an international convention on the prevention and punishment of crimes against humanity. Slovenia welcomes the thorough examination in the Special Rapporteur's fourth report of the comments and observations made by the states, international organizations and NGOs. ... Although the examination of the topic in Slovenia is subject to inter-ministerial cooperation, which is yet to be concluded, we would like to make the following observations. ... As one of the initiators of the MLA initiative, ... Slovenia notes that the MLA initiative and the ILC's topic 'crimes against humanity' have convergent qualities ... however, there are important differences between the two. In addition to the broader scope of the MLA initiative ... the MLA initiative focuses on the practical usability of mutual legal assistance and extradition procedures. Its procedural provisions are thus considerably more extensive than are those of the ILC's draft articles on crimes against humanity. ... Slovenia considers that both efforts are complementary in nature and that they seek to improve upon the existing international legal structures aimed at addressing international criminal justice. At the same time, we fully share the understanding that one of the overriding considerations should be the avoidance of diverging substantive treaty provisions, indeed, the MLA initiative aims to achieve the greatest degree of complementarity, including with the provisions of the Rome Statute."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/22000107/slovenia.pdf
South Africa	Thabo Molefe	Thurs. Oct. 31, 2019, 4:08-4:18 PM	"First of all, please allow my delegation to congratulate Professor Sean Murphy, Special Rapporteur, on his report and for the exemplary work that has been done on the topic of crimes against humanity. We are also grateful to those that provided written comments on this topic in the preceding year. ... The process for drafting a convention on the prevention and punishment of crimes against humanity commenced in 2008. We are thus very pleased to see that the draft articles have now been adopted on the second reading. South Africa places great emphasis on inter-State cooperation and the development of domestic laws to ensure the prevention of the most serious crimes, such as crimes against humanity. Whilst international courts serve an important ... States remain the first line of defence in the investigation and prosecution of perpetrators of international crimes. The draft articles present a mechanism through which States can strengthen their domestic laws as well as to allow for cooperation with other States in order to ensure accountability for crimes against humanity. South Africa would have liked to see the inclusion of war crimes and genocide within the parameters of the draft articles. However, we note that a multilateral convention focused on mutual legal assistance and extradition for all serious international crimes is underway. Nevertheless, it would be necessary to ensure that such initiative and the draft articles remain complementary to each other. ... South Africa largely supports the content of the draft articles and is pleased to note that some of its previous concerns have been clarified in the report. South Africa supports the elaboration of a convention, in principle. To do so via the General Assembly may take considerable time, particularly if one has regard for the slow pace of finalization of the draft articles on Responsibility of States for Internationally Wrongful Acts, and Diplomatic Protection. However, the previously mentioned initiative for extradition and mutual legal assistance for all atrocity crimes will follow the route of a diplomatic conference. It may thus be better to elaborate a convention in the General Assembly – thus covering all options. Ultimately, the manner selected should be one that will not be unduly delayed and that will allow for the largest number of ratifications in order for cooperation to be successful.	Explicitly favors a process to develop a convention	(No PDF Link available)
Spain	Dr. Carlos Jiménez Piernas	Thur., Oct. 31, 2019, 10:22 - 10:36 AM	"...I would first like to point out that Spain, by all means, subscribes the statement made earlier on behalf of the European Union and its member States, especially with regard to the draft articles on crimes against humanity, adopted at second reading by the Commission this year, on which we also congratulate its Special Rapporteur, Professor Sean Murphy. In this regard, Spain supports the promotion of a Convention on the basis of the Draft Articles, but with the conviction that this promotion will only be successful, and its result valuable, on the basis of a consensus among the States members of the United Nations."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/2328674/s-e-spain.pdf

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Sudan	Dr. Elsadig Ali Sayed Ahmed	Tues. Oct. 29, 2019, 11:21-11:30 AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"Mr. President, on the subject of crimes against humanity we say: The issue of combating impunity represents a noble purpose of achieving justice. It is not disputed, and falls primarily in the responsibilities of the national judicial and judicial bodies of the country concerned in accordance with its terms of reference stipulated in the framework of its internal legal systems. ... [I]n our opinion in general, we value the committee's decision to refer the draft articles to us as countries to express our observations on how to proceed with them. We find that a proposal for an agreement on this important issue is an idea worthy of finding momentum. It is an objective discussion with a note that Member States are in urgent need of appropriate time for in-depth consideration of a draft articles submitted by the International Law Commission. We give our sincere thanks and appreciation to the Special Rapporteur, Mr. Sean Murphy."</p>	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/1999942/sudan.pdf
Sweden	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Switzerland	Swiss Confederation	Wed., Oct. 30, 2019 4:40 - 4:44 PM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"Mr. President, We commend the International Law Commission, in particular Special Rapporteur Sean Murphy, for the high quality of the draft articles on the prevention and punishment of crimes against humanity. Switzerland fully supports the Commission's recommendation to draw up a convention based on this project. Such a convention would fill a gap in the existing international legal framework. It would provide a definition of crimes against humanity and specify the related obligations, particularly in the field of national repression and prevention. It would therefore contribute to the fight against impunity for the most serious crimes. A future convention should be careful not to weaken existing obligations under international law. It would also be important that it does not contradict a possible general convention on mutual legal assistance in the prosecution of international crimes, but is complementary to it."</p>	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/2329075/f-switzerland-statement.pdf
Thailand	Mrs. Vilawan Mangklatanakul	Tues. Oct. 29, 2019, 1:02 -1:09 PM	"Thailand wishes to commend the Special Rapporteur, Mr. Sean Murphy, for his outstanding contribution to the work of the ILC on this topic and take note of the adoption of the entire set of the draft articles on prevention and punishment of crimes against humanity on second reading by the Commission. Thailand reiterates its support for the Commission's work on this topic. My delegation is positively considering the recommendation by the Commission for an elaboration of a convention by the General Assembly or by a diplomatic conference on the basis of the draft articles. We are of the view that such a convention will help facilitate national prosecutions, end impunity and strengthen international cooperation in the suppression of crimes against humanity. We emphasize the need for the prevention of heinous crimes and the strengthening of the rule of law. On these notes, we will continue to follow the further development of this topic closely."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/1999964/thailand.pdf
The Gambia	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Togo	Mr. Dekalega Fintakpa Lamega	Thurs. Oct. 31, 2019, 10:42-10:51 AM	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>"Under Chapter IV of the report, Togo takes note of the change of name of the draft articles on crimes against humanity which is now entitled "Prevention and repression of crimes against humanity" a title which seems more expressive. Pending the appropriate decision by the Togolese Government as to the desirability of elaborating, as the Commission recommends to the General Assembly, a Convention on the basis of the 15 draft articles adopted by the Commission, my delegation wishes to make the following preliminary comments: ... These clarifications being made and like the Commission, Togo expresses to Mr. Sean D. Murphy, appointed Special Rapporteur on this important issue since 2014, its gratitude and its congratulations for the exceptional contribution he has made, by his dedication and tireless efforts in the preparation of the draft articles on the prevention and suppression of crimes against humanity and the results achieved in that regard..."</p>	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328681/togo.pdf
Turkey	The Republic of Turkey	Thurs. Oct. 31, 2019, 11:31-11:38 AM	"With regard to the topic: "crimes against humanity", we would like to thank the Special Rapporteur Sean D. Murphy for his fourth and final report and congratulate the Commission for the completion of the draft articles. Regarding the recommendation of the Commission on the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles, my delegation is of the view ... that more time is needed to discuss about this issue before we decide on further procedure, since the draft articles and their commentaries have just been completed. In this sense, for now we just have some remarks about the draft articles for possible future work. ..."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/23328689/e-turkey-statement.pdf
Ukraine	Ms. Oksana Zolotarova	Thurs. Oct. 31, 2019, 12:47-12:54 PM	"We value efforts and dedication of the Special Rapporteur, Mr. Sean D. Murphy in preparation of the draft articles on the prevention and punishment of crimes against humanity. Ukraine actively followed and supported this work, and provided its comments on the draft articles, in particular on the definition of crimes against humanity. My delegation in many occasions stated its full commitment to fight against impunity and underlined the crucial importance to bringing to justice of all perpetrators of genocide, war crimes, crimes against humanity, and other serious violations of international law. In this regard, we welcome the adoption by the Commission, on the second reading, the entire set of draft articles on prevention and punishment of crimes against humanity. We support the recommendation of the Commission to elaborate the convention on the basis of the draft articles."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/23328744/e-ukraine-statement.pdf

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United Kingdom	Mr. Iain MacLeod	Mon. Oct. 28, 2019, 12:34-12:48 PM	"The United Kingdom is grateful to the Commission and to the Special Rapporteur, Mr. Sean Murphy, for their impressive and important work on the topic 'crimes against humanity'. The United Kingdom welcomes the Commission's adoption on second reading of a set of draft articles on prevention and punishment of crimes against humanity, and accompanying commentaries. The draft articles navigate this complex and sensitive area well through a rigorous, practical approach that draws significant inspiration from international criminal law precedents. The United Kingdom considers the draft articles to be a positive and useful example of the potential for the Commission to promote the codification and progressive development of international law, by distilling existing international law and practice in a focused, responsible and practical way. Since States provided their written comments to the Commission last December, the Commission has made some amendments to the draft articles and their commentaries. Many of these amendments are helpful. ... In light of the changes made by the Commission, the limited scope of the draft articles and the United Kingdom's support for an extradite-or-prosecute convention in respect of crimes against humanity, the United Kingdom would support the Commission's recommendation for States to elaborate the draft articles into a convention in the UN General Assembly or at a diplomatic conference. In the United Kingdom's view, a future convention on this subject would complement, rather than compete with, the Rome Statute. A new convention could also facilitate national prosecutions, thereby strengthening the complementarity provisions of the Rome Statute. The elaboration of the draft articles also provides a good opportunity for States to work together to tackle a lacuna in the fight against the most serious crimes."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media/2/1999917/e-united-kingdom-statement.pdf
United States of America	Mr. Marik A. String	Tues. Oct. 29, 2019, 11:49-12:06 PM	"Mr. Chairman... The United States has a long history of supporting justice for victims of crimes against humanity and other international crimes. ... We would like to thank the Special Rapporteur for this project, Sean Murphy, for his prodigious efforts. He has brought tremendous value to this project, and we particularly appreciate his efforts to take into account States' views on this topic. Robust interaction and a productive relationship between States and the ILC is vitally important to the relevance and continuing vitality of the Commission's work. We have also particularly appreciated his extensive consultations with Member States. ... With due appreciation of the importance and gravity of the subject, the United States submits that it is not yet the moment to consider negotiating a convention based on the draft articles. Careful consideration must be given to the draft articles and commentaries by all States. In addition, although some of the written comments submitted by the United States and others were taken into account in the final draft articles, the ILC chose not to incorporate other State proposals for revision. The United States is therefore concerned that as currently formulated, the draft articles lack clarity with respect to a number of key issues, and believes these issues must be addressed in order to reach consensus among States and to ensure that any future convention would be effective in practice. ... For these reasons, the United States respectfully proposes that the subject of Crimes Against Humanity be included on the Sixth Committee Agenda for the 76th session, for further work based on the draft articles. Consideration should be given to potential modalities of work that would enable thorough, substantive exploration of the challenges that are posed by a potential convention on crimes against humanity, such as a working group. An inclusive and rigorous approach would have the greatest probability of a successful outcome that strengthens the ability to provide justice for victims of crimes against humanity."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media/2/1999967/united-states-of-america.pdf
Uruguay	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Uzbekistan	Mirvohid Azimov	Thurs. Oct. 31, 2019, 10:51-10:57 AM	***UNOFFICIAL TRANSLATION*** "Our delegation would like to congratulate the Commission and the Special Rapporteur, Mr. Sean Murphy, with the completion of work on the subject 'Crimes against humanity'. We highly value the effort of the Commission and the Special Rapporteur on the development of draft articles on this topic. The codification of norms on the prevention and punishment can promote governments to adopt and harmonize national legislative acts, thereby opening a path to a more effective international cooperation in the realm of prevention, investigation, and prosecution of crimes against humanity. We would like to make the following comments to the draft articles. ..."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media/2/23328850/u-rev.pdf
Viet Nam	Delegation of Vietnam	Thurs. Oct. 31, 2019, 11:09-11:16 AM	"[W]e wish to congratulate Special Rapporteur Dr. Murphy for the completion of his fourth report on Crimes against humanity, and specifically the draft articles on prevention and punishment of crimes against humanity. The necessity of a new convention on crimes against humanity as well as its formation, from our perspective, should be carefully examined by the UN General Assembly, and in this case, at the Sixth Committee. My delegation supports the repression and punishment against crimes against humanity on the basis of respect for national sovereignty and non intervention in domestic matters of other States, consistent with the principles enshrined in the Charter of the United Nations. However, we are not convinced that the analysis based on the practice of the ICC, which does not enjoy wide spread consensus of the international community in investigating and prosecuting serious international crimes reflects the consensus on an international treaty dealing with crimes against humanity. Moreover, should there be an international treaty on this matter, we note that there exist differences among the criminal legal systems of States, and in order to address this issue, there needs to be the possibility for State reservation against provisions that the reservation of which are not in contravention to the objects and purposes of the treaty. ..."	Opposes a convention	http://statements.unmeetings.org/media/2/23328894/viet-nam.pdf

SUMMARY TABLE		
State & Entities Commenting and/or Joining a Statement	81	
Explicitly favors a process to develop a convention	57	70%
Takes no explicit view on a process (positive and/or constructive comments on the text)	8	10%
Takes no explicit view on a process (neutral)	2	2%
Opposes a process to develop a convention at this time (more time needed for study and/or revision)	11	14%
Opposes a convention	3	4%

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Argentina	Argentine Delegation	Wed. Oct.14, 2020	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>Argentina highlights the leadership of the Commission in the progressive development and codification of international law. In this regard, he wishes to refer to the work of the Commission on "Crimes against humanity" and to express deep appreciation to its Special Rapporteur, Sean Murphy. In particular, we highlight the preparation of Report A / CN.4 / 725 and the significant progress made in addressing the issue since its inclusion in the Commission's work program in 2014. ... Likewise, we highlight the broad and active participation of States, international organizations and other entities that sent comments to the Draft Articles and we value that they have been considered in the second reading of the Draft Articles . . . Argentina reiterates its firm commitment to the fight against impunity for the most serious crimes under international law and considers that a legally binding international instrument on this matter will consolidate the legal structure of international criminal law. Likewise, we wish to highlight the MLA initiative . . . In conclusion, my country reiterates its firm support for this process to advance in the fight against impunity and the strengthening of our common goal of contributing to the development and progressive codification of international law.</p>	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/sOrd8IGY3LCJ/11GbhMOK8zrC_en.pdf
Armenia	Mrs. Sofya Margaryan	Thurs. Oct.15, 2020	Armenia welcomes an open and inclusive process on the discussion of the draft articles on the prevention and punishment of crimes against humanity. Building further cooperation on this important subject will be an important step towards a world, where the rights of people, no matter where they are, must be properly protected. Armenia recognizes the importance of the jus cogens character of the prohibition of crimes against humanity, as reflected in the preamble of the text. We note that a degree of consensus has been duly captured in the draft articles reflecting the shared objective of combating impunity for the perpetrators and delivering justice to the victims. It is important to build upon this consensus to develop the capacity of the international community to protect people, the owners of the Charter of the United Nations, from crimes against humanity.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201015/EbL_AhXuamu/yv40VHAnWf5a_en.pdf
Austria	Ambassador Alexander Marschik	Wed. Oct.14, 2020	Firstly, Austria would like to commend Special Rapporteur Sean Murphy and the International Law Commission once again for the successful elaboration of the "Draft articles on prevention and punishment of crimes against humanity". We believe that these articles are an important contribution to the development of international criminal law, and we strongly support the recommendation of the Commission to elaborate a convention on this topic on the basis of the draft articles. In Austria's view, the successful work of the Commission deserves appropriate follow-up. We therefore reiterate our call to this Committee to decide that an international convention be concluded on the basis of the draft articles. We still believe that a diplomatic codification conference would be the most suitable forum for the elaboration of such a convention, and – as we have stated before – the Austrian government would be ready to consider the possibility of hosting such a conference in Vienna. While we recognise that such a conference may not be convened during these difficult times of the COVID-19 pandemic, this does not mean that we have to delay any discussion on the way forward. We have closely listened to last year's debate on the draft articles. We heard some voices that asked for more time to consider this important issue in depth. Owing to the exceptional circumstances of this year, such additional time is now provided to all delegations, but at the same time, we believe that a clear timeline for future consideration of this issue, without prejudging its outcome, is imperative to ensure progress. 3 Furthermore, we heard the comments made on specific draft articles asking for further discussion among states of outstanding issues, such as the implications of the "without prejudice" clause in draft article 2(3), the conditions for the establishment of national jurisdiction for crimes against humanity, or the provision of procedural safeguards against politically motivated prosecutions. In order to discuss these issues, we should establish an adequate forum and efficient consultation process that allows for in-depth discussions. We suggest the establishment of an ad-hoc committee for the intersessional period, with a specific mandate and timeline.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/sOrd8IGY3LCJ/HbGV3zwTDGF9_en.pdf
Bangladesh	Mr. Tareq Md Ariful Islam	Wed. Oct.14, 2020	We wish to see a UN Convention on Crimes against Humanity as a reality. The negotiation process to convert the ILC draft articles to a convention must be carried out in an inclusive and transparent manner.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/sOrd8IGY3LCJ/gE8K8cGOzmcT_en.pdf
Brazil		Wed. Oct.14, 2020	Convinced of the need to address the gap in the existing international law framework, Brazil has supported this process since its inception, including by providing constructive comments to the set of draft articles. . . . The set of draft articles presented to us by the International Law Commission constitutes a good basis to guide our discussions. The Sixth Committee has an unfulfilled task, which is to agree on a structured process towards drafting a convention that could be universally ratified. For that, it is imperative to prioritize a format that provides the legitimacy and inclusiveness needed to the discussions. Brazil is ready to engage in this exercise, and to work constructively towards a consensual process that may ultimately lead to a convention on crimes against humanity.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/sOrd8IGY3LCJ/6ELJmtLxS25_es.pdf
Chile		Wed. Oct.14, 2020	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>...Chile considers that the "draft articles on prevention and punishment of crimes against humanity" constitutes an ideal basis for negotiating and conclude a multilateral convention and therefore considers that the recommendation of the international Law Commission must be welcomed, in the sense of elaborating a convention on the basis of said project in this sense, Chile is open to the Sixth Committee recommending to the Assembly General the convening of an international conference of plenipotentiaries with the mandate to draw up a convention on the prevention and punishment of crimes of against humanity, to be negotiated on the basis of the aforementioned draft articles.</p>	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/sOrd8IGY3LCJ/Y28nRILDw1LI_zh.pdf

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China	n/a	Thurs. Oct.15, 2020	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>China recognizes the importance of preventing and punishing crimes against humanity and takes note of The International Law Commission's proposal for a convention on the basis of the Draft Articles. Here, China focuses on clarifying the following principles and positions on the formulation of the convention: First, the formulation of a convention must be premised on defining the concepts of crimes against humanity. ... Before a basic consensus can be reached on the definition of "crime", it is not appropriate to rush international legislative process. ... Second, the formulation of the convention should be based on sufficient national practice. In recent years, the United the Sixth Committee has held many discussions on crimes against humanity. Many countries believe that some key clauses of the "Draft Paragraph" lack solid arguments based on extensive state practice. It is derived from the provisions of other international conventions by analogy or deduction, or one-sided reliance on Universal practice of international criminal justice institutions. In reflecting universal state practice. On the other hand, the "Draft Articles" still have defects. Third, the establishment of a convention should be guaranteed by an atmosphere of solidarity and cooperation. Crimes against humanity are serious international crimes that the international community needs to combat together, but in recent years, it has been politicized and abused frequently. If any party goes beyond the scope of the law, promoting self-interest and political manipulation on the issue of crimes against humanity will only cause opposition from all parties, undermining international cooperation. Without an environment of unity and close collaboration, it is unlikely for the international legislative process to be started, even if it did start, it will not be sustainable. Based on the above, China believes that under the current situation, the the timing of the convention is premature. At this stage, China supports all parties to continue take stock of and analyze relevant countries practice, fully exchange views, gather political will, and gradually accumulate consensus.</p>	Opposes a process to develop a convention at this time	https://estatemts.unmeetings.org/estatemts/11.0060/20201015/EbLhXuuamu/195xezUOXbDP_zh.pdf
Colombia	Juan Cuéllar Torres	Thurs. Oct.15, 2020	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>Colombia wishes to thank the CDI once again for the presentation of the draft articles on the prevention and punishment of crimes against humanity with his comments and, in particular, to the special rapporteur of the subject, Sean Murphy. We want to highlight the dedicated work of the Rapporteur and the Commission in relation to this topic, of great importance and relevance for the international community. Next, allow me to present some preliminary comments that my delegation considers relevant for the revision of the text presented. ... [I]n article 6 of the project, by means of which it seeks to criminalize crimes against humanity, Colombia proposes to add the classification of their "financing", taking into account the role played by the funders of these heinous crimes, whether they are natural or legal persons or criminal organizations. On the other hand, we consider that in order to apply the principle of Non-Refoulement - or Non Refoulement - in Article 5, it is necessary to guarantee that if the State decides not to extradite, it nevertheless assumes the obligation to carry out an internal judicial process (aut dedere aut judicare). In the same way, if it is a refugee, it is necessary to add that the beneficiary is obliged to prove that condition. Lastly, my delegation considers that the participation of victims in the criminal process is essential to guarantee their rights, therefore, article 12 of the draft should include a definition of what constitutes a victim.</p>	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatemts.unmeetings.org/estatemts/11.0060/20201015/tEbLhXuuamu/w2wVqqiQEdg_o_es.pdf
Costa Rica	Ana L. Villalobos	Wed. Oct.14, 2020	<p align="center">***UNOFFICIAL TRANSLATION***</p> <p>Last year Costa Rica received with great optimism the draft articles on prevention and punishment of crimes against humanity adopted by the International Law Commission, as well as your recommendation that this draft form the basis for the General Assembly or well a diplomatic conference, draw up an international convention. Today we continue to maintain that position... Costa Rica, like other delegations, accepts the analysis made by the Commission on this draft articles and the joint initiative for a multilateral aid treaty reciprocal judicial process and extradition, for the internal prosecution of the most severe international crimes, called MLA. We are part of the related thought group of this initiative and we consider that both instruments should be complementary and that, as long as there is coherence between the two, they will be indispensable tools in the prevention and punishment of Crimes against humanity.</p>	Explicitly favors a process to develop a convention	https://estatemts.unmeetings.org/estatemts/11.0060/20201014/sOrd8lGY3lCj/cqpD8cE1Cx_hl_en.pdf
Cuba	Delegation of Cuba	Wed. Oct.14, 2020	<p>We appreciate the work carried out by the International Law Commission in order to present the draft articles on this topic. Cuba is a historic defender of respect for international law and its principles, especially for international criminal law. The fight against the impunity of crimes against humanity has great significance and importance in the current international context. For this reason, Cuba considers that the draft articles prepared by the International Law Commission is a valid contribution to the efforts to concretize prevention and international repression of this type of crimes and will 2 contribute to the efforts to reinforce the international criminal justice system. Likewise, it provides a useful guidance for States that have not yet adopted regulations relating to the criminalization and prosecution of those crimes at the national level. ... [I]t considers it appropriate to reiterate that a Convention on this matter must reflect, as a fundamental principle, that the primary responsibility to prevent and punish serious international crimes that take place under its jurisdiction must fall, first of all, on the State in question... The Sixth Committee must continue to consider this issue based on the comments of States, given the concerns that still exist in some substantive matters of the draft articles presented. This discussion will report a practical benefit to ensure that a possible future international convention, based on them, is not in contradiction with national laws applicable to crimes against humanity. Only in this way it will be possible for a future Convention to be widely accepted by the international community and for its drawing-up to take into account the differences between the different existing national systems of law, as well as those States that are not Parties to the Rome Statute of the International Criminal Court. ... We reiterate that the binding force of this type of instrument derives from the consent of States in the process of establishment of international law. We cannot consider the ILC, by itself, as a sort of legislative body in charge of establishing norms of international law. Its valuable contribution has been to record the issues in which the States have prepared regulations with significance for international law and to propose those matters with respect to which the States might be interested in studying the possibility of preparing them. In this regard, the drawing-up of draft articles is not an exercise of codification of customary international law, but rather an effort in the progressive development of law.</p>	Opposes a process to develop a convention at this time	https://estatemts.unmeetings.org/estatemts/11.0060/20201014/sOrd8lGY3lCj/cqpD8cE1Cx_hl_en.pdf

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Czech Republic	Ms. Kristina Pelkiö	Wed. Oct.14, 2020	We fully support the statement on behalf of the European Union and its member States on this topic. We believe that these draft articles deserve particular attention of the international community since their aim is to prevent and punish crimes against humanity and provide legal framework for interstate cooperation in this respect. We would like to recall that crimes against humanity are of such a grave nature that they shock the conscience of mankind and therefore all States have a duty to hold their perpetrators criminally responsible. The crimes against humanity form part of core crimes under international law, but unlike the other crimes, their prevention and punishment is regulated on an international level only partially and insufficiently. The Czech Republic has always supported the elaboration of a complex convention on prevention and punishment of crimes against humanity - a convention which would finally fill the legal gap and complement other conventions on prosecution of the most serious crimes under international law. We note with satisfaction that the adopted draft articles represent a model of a modern criminal law treaty and that they are based on comprehensive research taking duly into account other generally accepted criminal law instruments. In this context, the Czech Republic again expresses its appreciation to the International Law Commission and namely Special Rapporteur Sean Murphy for formulating these articles. Fight against impunity for crimes under international law is a common goal but also a duty of all States and therefore the Czech Republic strongly supports this new legal framework that would assist in bringing the end to impunity for these crimes. To conclude, Mr. Chairman - the Czech Republic remains committed to its duty not to let go these crimes unpunished and would like to express once again its support for the elaboration of convention on the basis of these draft articles, preferably by an international conference of plenipotentiaries.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/ehyaT6dBfsHj_en.pdf
Denmark	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Egypt	Dr. Ahmed Abdelaziz	Wed. Oct.14, 2020	*** UNOFFICIAL TRANSLATION*** My delegation aligns itself with the statement of South Africa on behalf of the African group. We renew our support to promote mechanisms to fight crimes against humanity, achieve justice, and prevent impunity for all perpetrators of crimes against humanity. Egypt believes there is a need to provide ample time to duly study the draft articles proposed by the international law commission on crimes against humanity. We must not rush a discussion on an international convention based on these articles or the diplomatic conference to adopt it as an international convention. We need to provide sufficient time for all countries to study the draft articles appropriately and ensure they go in line with their national legislation and constitution. I would like to recall the serious concerns expressed by my delegation in the previous session with a number of other delegations on the draft articles proposed. The draft articles addressed the principle of universal jurisdiction in articles 2, 7,9, and 10. There were different points of view on this issue and the 6th committee was unable to agree on it although we have been discussing the scope and application of the principle of universal jurisdiction for more than ten years. This is why it is important to provide ample time and more time for countries to discuss and ensure the necessary consensus. Based on the above and taking into account the difficulty of holding appropriate negotiations on this item in the current session because of the COVID-19 pandemic, my delegation suggests to postpone this item to the next session and to only introduce technical updates to last sessions' resolution.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/PwuBEVLQrSIS_ar.pdf
El Salvador	Egriselda López	Wed. Oct.14, 2020	*** UNOFFICIAL TRANSLATION*** The Republic of El Salvador recognizes that the atrocious violations against human rights must be prevented and punished at the national level, as well as through efforts sets in the international community. In this sense, our country is a State Party to various instruments... . In view of the existing legal framework, El Salvador considers that the adoption of a convention in the matter would contribute to typify and regulate these very serious behaviors, to highlight the need to prevent and punish them, as well as to harmonize national laws on acts of that nature, thereby enabling more effective interstate cooperation for research, prosecution and extradition for such crimes. In particular, on the draft articles at hand, my delegation wishes to reiterate its observation regarding draft article 2.2, letter "i" regarding the definition of "Enforced disappearance". ... My delegation believes that the existence of a binding instrument on the matter will contribute for Member States to strengthen their national legal framework, in order to promote greater mutual legal assistance in relation to investigation and prosecution to reduce impunity for these crimes. In short, the Republic of El Salvador wishes to reiterate its commitment to continue with the best efforts to overcome impunity in the commission of these atrocious acts, ensuring the investigation and prosecution of those responsible for ordering or committing crimes against humanity. Likewise, we reaffirm our interest in continuing with the analysis of a possible convention in the matter.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/Xr83C6tpWmC8_es.pdf
Estonia	Republic of Estonia	Wed. Oct.14, 2020	Estonia continues to firmly support the elaboration of a Convention on crimes against humanity on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. The elaboration of a Convention on the elimination and prevention of crimes against humanity would fill the current gap in the international treaty law and strengthen the international criminal law system alongside the relevant international treaties on genocide and war crimes. A new Convention would complement the Rome Statute and be fully in line with its basic principle of complementarity. A new Convention would assist, inspire and oblige states to review their national laws and strengthen international cooperation to stand against the most serious international crimes and fight impunity. Estonia stands ready to contribute constructively to discussions on this very important topic.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/OpwjeDGS3Jp_en.pdf

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European Union		Wed. Oct.14, 2020	The draft articles adopted by the International Law Commission reflect the call for further efforts of the international community to end impunity for perpetrators of crimes against humanity and to provide justice for victims of such crimes. As staunch supporters of the fight against impunity worldwide, the European Union and its Member States are fully supportive of the initiative towards a new Convention on the Prevention and Punishment of Crimes against Humanity. We see the elaboration of a Convention as a major step towards strengthening the international criminal justice system and as an illustration of States working together to close gaps in international law. A new Convention would reinforce the legal framework on the criminalization of crimes against humanity and would facilitate national investigations, prosecution, and punishment of such crimes. The Convention would offer an additional legal tool to prevent and punish crimes against humanity at the national level and, at the same time, a new legal basis for inter-state cooperation on that matter. We also recall the MLA initiative, supported by all EU Member States, aiming at enhancing interstate cooperation in the prosecution of perpetrators of international crimes. We see both processes as complementing each other. Adoption of these new instruments would substantially contribute to the fight against impunity at international level. The European Union and its Member States strongly support the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. We stand ready to take the next steps towards this end.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/7UeykzmS9eiy_en.pdf
Finland	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
France	N/A	N/A	(Did not make a statement on this topic, but joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Germany	N/A	N/A	(Did not make a statement on this topic, but joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Guatemala	The Guatemalan Delegation	Wed. Oct.14, 2020	Guatemala as a founding member of the Group that promotes the Responsibility to Protect (R2P), which was conceived at the United Nations Summit in 2005, with the aim of to prevent the most heinous war crimes, ethnic cleansing and crimes against humanity, attaches great importance to this international security standard and to the defense of human rights humans. The role of the International Criminal Court, based on its founding document: The Rome Statute is indispensable today to end impunity for these crimes atrocious. As a State party to the International Criminal Court, we attach great importance to the noble work of the ICC, as it is transcendental in nature and stands at the center of an international system justice with a far-reaching global impact. We consider that the firm commitment and support, as well as the cooperation of the States parties is crucial to enhancing the capacity of the Court to ensure accountability for crimes, do justice and provide redress to victims, as well as help prevent future offenses, as provided by the spirit of the Rome Statute. In conclusion, I would like to emphasize that my delegation, based on our peaceful vocation and respect for Human Rights, considers it prudent to organize a Conference Intergovernmental for the elaboration of a Convention on crimes against humanity in the future, since it would constitute a solid contribution to contribute to International Law on matter.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/K2dtna7XOy6v_es.pdf
Iceland	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
India	Mr. Yelda Umasankar	Wed. Oct.14, 2020	My delegation is of the view that existing international instruments already accommodate for crimes against humanity as punishable offences. Member States that are parties to the Rome Statute are fully aware of this fact. Our understanding is that even those member states that have not yet subscribed to the Rome Statute, their extant national legislations already capture these offences. Therefore, we would like to reiterate our position that, since international mechanisms dealing with the said matter are already in existence, the necessity for an exclusive Convention does not arise and if a need for such a Convention is felt by the wider UN membership, then the draft articles need to be thoroughly examined taking into full consideration commentaries of all Member States. However, we would like to caution that any work on this topic would lead to duplicating existing international legal mechanisms. It may be recalled that during our previous discussion on the draft Resolution on Crimes against Humanity, an attempt was made to recognize the need to prevent crimes against humanity and adopt a legally binding instrument. In this context, we would reiterate our view that it is premature to draw any conclusion on the nature and format of the draft Articles without having any in-depth discussions on the draft Articles. A way forward, could be in the form of setting up a Working Group in the Sixth Committee to continue further discussions in order to arrive at a possible consensus on this important topic. Finally, given the shared concerns among the member States (including India), that these Draft Articles are not necessarily based on empirical analysis of international practice and are largely put together by analogy or deduction from the provisions of other international conventions, we are of the view that these draft Articles are neither new nor universal. Thus, the proposal to have a successful conclusion of the Convention at this stage is too premature.	Opposes a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/cfscSLcrOmJhns_en.pdf
Indonesia	The delegation of Indonesia	Thurs. Oct.15, 2020	Indonesia wishes to take this opportunity to reiterate its position that ending impunity and denying safe haven to individuals who commit crimes against humanity is our collective responsibility. At the same time, let us bear in mind that there are still divergences of position concerning the scope and application of such crimes. As for the way forward on a Global Convention on Crimes Against Humanity, we affirm that it is critical to have further deliberations and consultations, recognizing the delicate and complex nature of the issue. We therefore encourage Member States to conduct further consultations through the Sixth Committee to deepen understanding and hence bring us closer to an agreement/consensus.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201015/EbLhXuuamu/uQaSQAc2JhQn_en.pdf
Iran	Mr. Ali Nasimfar	Thurs. Oct.15, 2020	Given the divergence in the comments and observations of the Member States it is obvious that further work is needed so as to allow the relevant authorities of the Member States to provide their comments and engage in an inclusive and intergovernmental negotiation. The work of the ILC could be considered as a source, in this process that should be shaped under the auspices of the Sixth Committee. Therefore, it is premature at this stage to call for a diplomatic conference to adopt the proposed draft articles... In conclusion, my delegation believes that the draft articles on the "Prevention and punishment of Crimes against Humanity" should be remain open to further in-depth discussion and consideration of member states in this committee. It is important to focus on legal issues, avoid politicization and selectivity and create a framework that genuinely addresses the plight of mankind, whenever they face crimes against Humanity, in full conformity with the principles and objectives of the UN Charter.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201015/EbLhXuuamu/6rImkr8gxdE_en.pdf

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Israel	Ms. Sarah Weiss Ma'udi	Thurs. Oct.15, 2020	First, Israel would like to recall the need for specific and well-articulated safeguards to the establishment of mechanisms for the enforcement of, and adherence to, the proposed draft articles. Israel remains concerned that enforcement and jurisdiction mechanisms under the draft articles could potentially be abused by states and other actors in order to advance political goals, or attain publicity, rather as a genuine legal tool to be utilized as a means to protect the rights of victims and to put an end to impunity for serious international crimes, in appropriate circumstances. Israel would also like to reiterate that the draft articles should accurately reflect well-established principles of international law. Israel believes that several draft articles do not reflect customary international law, ... As also noted in past statements, Israel values highly the particular attention given in the Commentary to crimes against humanity committed by non-State actors. ... As a final matter, Israel would like to address the Commission's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. It appears that the discussion in the Sixth Committee last year reflected widely divergent views among Member States. Whereas some supported moving forward quickly towards adopting modalities for an international conference, others called for a more restrained and cautious approach due to the absence of consensus regarding several significant issues of substance. Due to the importance Israel attaches to this topic, Israel maintains its view that prior to any agreement on the desired forum for the negotiation and elaboration of any convention on this subject, it is clear that further deliberation is required on several critical and outstanding issues raised by many States, including Israel. In light of the concrete and detailed comments many States have submitted regarding specific draft articles, the differences that exist, and the 2 importance of the subject matter, it seems inadvisable to regard the current draft articles automatically as a "zero draft" for any future process. Equally, it seems appropriate that States be given adequate time to review and consolidate their positions and effectively address outstanding issues in a process informed by the work of the Commission on this topic as a basis for such discussion. Therefore, Israel would like to reiterate its suggestion to establish a forum in the framework of the Sixth Committee in which States would come prepared to review this matter, and engage in an inclusive, robust, and efficient discussion focused on clarifying outstanding issues and resolving significant differences towards the potential elaboration of a convention.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatemnts/11.0060/20201015/EbLhXuuamu/VdRfcmLUID2_en.pdf
Lebanon		Thurs. Oct.15, 2020	My delegation believes that the conclusion of the ILC work on this topic is an important step towards the development of international law; particularly, international criminal law, International Humanitarian Law and Human Rights Law. It is now up to us, members of the General Assembly, to take ownership of the final product of the Commission and move the discussion forward. Mr. Chair, Lebanon remains strongly attached to achieving justice for the most heinous crimes, strengthening accountability and ending impunity; and my delegation sees strong merits in having a 'specialized' Convention on crimes against humanity. The elaboration of an international legally binding instrument would contribute to closing a normative gap, as well as reinforce national mechanisms. This is why we support moving towards a Convention on the prevention and punishment of crimes against humanity, on the basis of the draft articles. And as reflected in the recommendation of the ILC, it could either be done by the General Assembly or a conference of plenipotentiaries, although we have a preference for the latter. The ultimate objective must be a universally accepted Convention, as is the case for the other two high crimes under international law: the Convention on the prevention and punishment of the crime of Genocide, and war crimes codified in the Geneva Conventions. Mr. Chair, We are mindful that certain elements require further attention, with some draft articles that could be improved, and we are also aware there are still legitimate concerns which have not been addressed. Whatever the format, we support a way forward which would ensure a meaningful and results-oriented process; with substantive discussion and negotiations; and which progresses in a sound as well as stepwise manner, preferably with a defined timetable.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201015/EbLhXuuamu/Y38ToNLTmTwV_en.pdf
Malaysia	Ms. Sarah Ruhama	Thurs. Oct.15, 2020	Malaysia records and expresses its appreciation to the International Law Commission ("ILC") for its continuing contribution to the codification and progressive development of international law, including for the completion of the draft articles on Prevention and Punishment of Crimes Against Humanity ("draft articles") during its seventy-first session last year...In this regard, Malaysia remains flexible and supportive to the continuation of elaboration and discussion of the draft articles to be by the General Assembly or by an international conference of plenipotentiaries. Malaysia reiterates our hope for the draft articles to be examined prudently to ensure that any further work should not overlap with existing regimes but rather to complement it.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201015/EbLhXuuamu/OSDmMvPoyCLY_en.pdf
Mexico	Mexican Delegation	Wed. Oct.14, 2020	<p align="center">*** UNOFFICIAL TRANSLATION ***</p> Mexico has been a promoter of the work of the International Criminal Court since its foundation, and we are concerned about the denunciations of the Rome Statute in years recent We take the opportunity to reiterate that they should be discussed measures to ensure that the Court and its members can perform professionally with independence and impartiality. Both the Magistrates as the personnel assigned to the Prosecutor's Office need this certainty to effectively combat crimes against humanity and other crimes over which the Court has jurisdiction. That is what the States that are part of the Rome Statute. In this context, the articles adopted by the CDI take up the evolution legislation on this issue reflected in the Rome Statute itself, as well as relevant contemporary international law on the matter. Taking into account that there is still a legal vacuum to fill regarding crimes against humanity, it is important that we move forward towards the adoption of a convention for the prevention and punishment of these crimes, based on the articles prepared by the CDI. This will contribute to close a legal gap both internationally and nationally. To do this, we must move towards a substantive discussion that serves to agree on a negotiation process, with clear deadlines, that includes all the states. In the previous session, the Sixth Committee was very close to reach an agreement in this regard. We hope that now that we have had more time to reflect and consider the recommendation of the ILC, we can define a critical path of action, without prejudging its outcome, which lead us to a negotiation process. We acknowledge that some delegations have comments and substantive considerations regarding the articles adopted by the ILC, which is legitimate. We are convinced that the relevant forum for addressing and addressing these substantive concerns is precisely in an intergovernmental negotiation conference. Finally, we highlight that today the Sixth Committee has the opportunity to break the inertial cycle of inaction that has occurred in recent decades on articles submitted for consideration by the CDI. Taking into consideration the importance of this issue, as well as the profound positive impact that can represent for the fight against impunity and for the strengthening of the rule of law, we find ourselves at a unique juncture where advancing on this issue would represent a double benefit: on the one hand, the progress in the development of international criminal law and, on the other, to strengthen and improve the dynamics and relationship between the CDI and the Sixth Commission.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/sOrd8lGY3lCj/pal4r7Ormm_es.pdf

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Mexico	Mexican Delegation on behalf of fourteen states	Nov. 18, 2020	I am delivering this explanation of position on behalf of Austria, Denmark, Finland, France, Germany, Iceland, Lebanon, Norway, Portugal, Sierra Leona, Slovakia, Switzerland, Sweden, and my own country Mexico. ... It is unfortunate that, despite constructive attempts to advance this topic, we ended up with what some consider a technical rollover. However, we believe that this qualification for the text we adopted is erroneous and misleading. The fact that no reference is made in the text to the challenges faced by the COVID19 pandemic and to the way in which these circumstances prevented us from having a deeper and substantive negotiation on the topic, especially when delegations were ready to put forward proposals in that direction, give the false impression that the Sixth Committee indeed fully discussed for a second year in a row the recommendations of the ILC with no concrete result. Furthermore, this resolution, being the second adopted under this agenda item in the exact same terms as the one of the 74th session, suggests that we run the risk – as it has been the case with other ILC products in the past – of getting caught in a cycle of consideration and postponement of the articles without concrete action, which in our view may undermine the relationship between the General Assembly and the ILC. It is for these reasons that, at the end of our consultation process, we also considered the possibility of deferring this agenda item rather than the approach taken of a technical rollover. We trust, however, that we will be able to revisit this agenda item with a constructive and flexible approach in order to break this inertia and to take collective decisions that would allow us to move forward into the definition of a process to consider the recommendations of the ILC, under terms that will be agreeable to all delegations. We are hopeful that the time we have had for examining the draft articles on the prevention and punishment of crimes against humanity since their adoption by the ILC, together with the intersessional period ahead of their consideration at next session of the Sixth Committee, will prove to be enough for delegations to be ready and willing to engage in meaningful and fruitful discussions on this topic. Be assured that our delegations will stand ready, as always, to engage in an open and transparent manner with all Member States to advance on this agenda item, proving that the Sixth Committee can deliver good results based on the high-quality products elaborated by the ILC.		
New Zealand	Luke Roughton	Wed. Oct.14, 2020	New Zealand reaffirms its belief that the commission of such crimes must be condemned, and that Member States must make every effort to prevent and punish their commission. We recognise that the effective prevention and prosecution of such crimes is enabled by taking measures at the national level, and by enhancing international cooperation, including with respect to extradition and mutual legal assistance. The articles adopted by the Commission also recognise this, and contain provisions dedicated to these topics. New Zealand considers that the elaboration of a convention, based on the work of the International Law Commission on this topic, would complete the important exercise of codification of these crimes. Because such crimes are of concern to the entire international community, and in the interests of fostering widespread cooperation of states in this area, we believe the way forward must be the subject of a broad-based and inclusive dialogue. We support efforts to proceed towards a roadmap for negotiation of a draft convention, and look forward to working with all other Member States to that end.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/s0rd8lGY3lCj/QAARaHl2pgY_en.pdf
Norway	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Palestine	The State of Palestine	Thurs. Oct.15, 2020	The International Law Commission has recommended the elaboration of a convention by the General Assembly or by an international conference, on the basis of the draft articles. We have an obligation to transform the work of the ILC into a legally binding instrument of universal character. While the prohibition of crimes against humanity constitutes a peremptory norm of international law, consolidating the definition of these crimes and the relevant obligations of all States in this regard will strengthen and complement the existing legal framework and will further the fight against impunity for crimes of concern for the international community as a whole. This is at the core of the work and purpose of this Committee.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201015/tEbLAXuamu/GtFE71HQU3G2_en.pdf
Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** ... Paraguay considers it essential that the international legal community progress towards a legally binding instrument on prevention and punishment of crimes against humanity. That is why we highlight the importance of Chapter IV of report A / 74/10 of the International Law Commission, entitled "Crimes against humanity" and the draft articles on the prevention and punishment of crimes against Humanity We consider that said project prepared by the Law Commission International contains elements that are necessary to fill gaps or legal and interpretive ambiguities, and in this way give impetus to the efforts of the international community in its fight against impunity. Mr. President, Paraguay reiterates its strong support for the establishment of a legally binding universal convention on crimes against humanity and considers that its approval is essential in the current framework of International law.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/s0rd8lGY3lCj/wKX9jLNX7fg_es.pdf
Philippines	Maria Angela A. Ponce	Thurs. Oct.15, 2020	We consider the draft articles as an important contribution to the international community's collective efforts to deter and curtail atrocity crimes. The question however of concluding a convention on Crimes Against Humanity based on them is a conceptual leap that requires further examination both by Member States on a national level, and by this Committee in the exercise of its mandate as the primary forum for the consideration of legal questions in the General Assembly. This is a process that cannot proceed in haste... The increased encroachment into the exercise of state sovereignty, overbroad assertions of jurisdiction by national and international courts, politicization of human rights, decreasing legitimacy of the Rome Statute – over which many of the draft articles are based -- and the existence of parallel and a multiplicity of initiatives including the proposed convention on mutual legal assistance leave us convinced that it is imperative for this Committee to further engage in discussion on the substantive aspects of the draft articles. In closing, we laud the ILC's efforts to promote, encourage and advance the rule of law through the progressive development of international law and its codification. At the same time we let us not forget that the Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. The Sixth Committee must exercise that mandate and not be rushed into handing over that mandate to a diplomatic conference over which no consensus has so far been reached.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201015/tEbLAXuamu/XxyCVvBSYjpX_en.pdf

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Portugal	Mr. Sergio Carvalho	Wed. Oct.14, 2020	Portugal aligns itself with the statement previously delivered by the European Union on this agenda item, and would like to convey the following remarks in its national capacity. Mr. Chairman, The recent outcome of the work of the International Law Commission on this topic has strengthened our belief that it is possible – and urgent – to develop a suitable international legally binding framework on the basis of the draft Articles on Crimes Against Humanity. The position of my delegation remains unchanged: as soon as possible, we must heed the recommendation of the International Law Commission and convene a diplomatic conference to negotiate and adopt a convention on the basis of the Draft Articles on Crimes Against Humanity. We are ready to move forward and take a decision to that effect already at this session of the General Assembly. 2 Such an international legally binding instrument would offer an additional important substantive and procedural mechanism towards fighting impunity and ensuring accountability for Crimes Against Humanity. We trust that the General Assembly – through this Committee – will act on its responsibility under the Charter of the United Nations to codify and progressively develop international law. Mr. Chairman, In line with statements we had the opportunity to deliver in previous sessions, my delegation would like to recall the Mutual Legal Assistance Initiative. Through this Initiative, the possibility of concluding an international convention to enhance cooperation among States is also under consideration – not only where Crimes Against Humanity are concerned but also other most serious crimes. The existence of the two projects should not be used as an excuse not to advance any of them. Portugal is convinced they can be developed and implemented together towards a common goal in setting an effective and comprehensive international legal framework for the fight against these crimes.	Explicitly favors a process to develop a convention	https://esstatements.unmeetings.org/esstatements/11.0060/20201014/s0rd8lGY3lCj/ak3b4woNE_Qm_en.pdf
Republic of Korea	(Ms) Hyunseung Lee	Wed. Oct.14, 2020	The Republic of Korea has been joining the efforts of the international community to enhance the rule of law and to put an end to impunity for perpetrators of heinous crimes. For example, the Republic of Korea has been a staunch supporter of the International Criminal Court since its inception, and has been actively engaged in the discussions on the draft articles on the Prevention and Punishment of Crimes against Humanity when it was considered under the topic of 'Report of the International Law Commission' in this Committee for the previous years. Taking this opportunity, we would like to once again express our deep appreciation to the International Law Commission for its work, and in particular to Special Rapporteur Mr. Sean D. Murphy for his outstanding contributions. The Republic of Korea shares the view that the draft articles adopted by the International Law Commission will contribute to enhancing the accountability for serious crimes under international law. We note that currently there exists no global convention governing the prevention and punishment of crimes against humanity, and that a new convention will complement the existing treaty law and promote inter-state cooperation for investigation, prosecution and punishment. The Republic of Korea believes that if adopted, the draft articles could provide a suitable legal basis for strengthening law enforcement cooperation among States, particularly in the absence of bilateral treaties on extradition or mutual legal assistance. The draft articles could strengthen the current system of international criminal law, by maintaining coherence and stability in line with the existing core legal instruments such as the Rome Statute. Additional consideration could be given to the relationship between the draft articles on crimes against humanity and other relevant international instruments, including the initiative to adopt a new Convention on Mutual Legal Assistance for Crimes against Humanity, Genocide, and War Crimes. In this respect, we believe that further efforts can be made for the elaboration of a convention, where the draft articles adopted by the Commission could provide a good basis, while taking into consideration the opinions of Member States. We look forward to the further discussions among States about how to move forward, including consultation methods and procedures.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://esstatements.unmeetings.org/esstatements/11.0060/20201014/s0rd8lGY3lCj/2k5wAEoP4f_uc_en.pdf
Russian Federation	Representative of the Russian Federation	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** New draft articles include a number of controversial elements, which may complicate the cooperation of states in the matter prosecution and punishment of criminals. Our delegation voiced them during the previous session and will not be repeated in this regard in to save time. Let's just say that one of the brightest examples are the prescription to cooperate with international investigative and judicial mechanisms. Everyone knows well the politicized nature of a number of such structures. The definition of the crime itself is based on the Rome Statute International Criminal Court - a treaty to which not a number of countries. We also note that in parallel with the draft articles of the Commission there is a separate initiative put forward by several states to develop a convention on international cooperation in the investigation and prosecution of genocide, crimes against humanity and war crimes. Its text largely echoes the Commission's draft articles, and a diplomatic conference for its adoption was scheduled for the past summer and postponed solely due to the pandemic coronavirus. In the light of the above, the question arises whether states can now take a large-scale decision to launch a new complex the negotiation process, especially in the current environment uncertainty? It seems to make sense at this stage to postpone such a global solution and enable states once again analyze its feasibility, and also conduct more in-depth analysis of the draft articles.	Opposes a process to develop a convention at this time	https://esstatements.unmeetings.org/esstatements/11.0060/20201014/s0rd8lGY3lCj/l2RbOxzXa_wi_ru.pdf
Saudi Arabia	Permanent Mission of the Kingdom of Saudi Arabia to the United Nations	Wed. Oct.14, 2020	*** UNOFFICIAL TRANSLATION*** With regard to the draft articles on crimes against humanity and their punishment, The Kingdom of Saudi Arabia stresses the importance of standardizing the definitions contained in the relevant draft convention such as slavery, torture and enforced disappearance of persons, in accordance with the relevant UN agreement. It is important not to introduce new definitions may confuse the interpretation and concept of these terms...The Kingdom of Saudi Arabia is of the view that it is important to study the legal procedures on fighting impunity applicable in state's national legislations, given the differences and discrepancies in application and approaches. In so doing, principles of the UN charter and international law should be observed, in particular, the principle of sovereign equality of states.	Opposes a process to develop a convention at this time	https://esstatements.unmeetings.org/esstatements/11.0060/20201014/s0rd8lGY3lCj/5aIMaQeIVz_gd_ar.pdf

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Senegal	Mamadou Racinely	Thurs. Oct.15, 2020	<p align="center">*** UNOFFICIAL TRANSLATION***</p> <p>My delegation would like to once again express its deep gratitude to the Committee on international law for its constant contribution to the codification and progressive development of international law in general and for the remarkable work done in finalizing the draft articles on "crimes against humanity" in particular. This is also the place to pay tribute to the Special Rapporteur, Mr. Sean D. Murphy.</p> <p>Mister President My delegation agrees with the statement by the African group and would like to make four remarks nationally. 1. My delegation, which attaches paramount importance to the fight against impunity, welcomes with enthusiasm and fully supports the idea of discussing the consensual establishment of an effective international legal framework that would prevent and punish crimes against humanity. 2. It is my delegation's belief that the draft articles adopted on second reading by the International Law Commission (ILC) constitutes in this regard, a credible and relevant for a future convention on the subject. 3. My delegation also remains convinced that alongside the legal framework, there remains essential to develop and strengthen national capacities for investigations and prosecutions and support cooperation in the fight against mass crimes. It is the full meaning of our commitment to the initiative for a new multilateral treaty on mutual legal assistance and extradition for the national prosecution of the most important international crimes more serious known as the "MLA Initiative" next to Argentina, Belgium, Mongolia, Netherlands and Slovenia. 4. Finally, we invite all delegations to engage, without delay, in an inclusive debate, open and transparent to remove, as quickly as possible, all major obstacles to the development of the eponymous agreement on the basis of said draft articles.</p>	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201015/EbLhXuuamu/Ykq0wz7YrFDQ_fr.pdf
Sierra Leone	H.E Dr. Michael Imran Kanu	Wed. Oct.14, 2020	<p>The recommendation to elaborate a convention, on the one hand, is clearly a good path towards elevating crimes against humanity to the level of genocide, and war crimes with their conventions. It will be a gap-filling treaty with the added element of the obligation to prevent such crimes, rather than just punish perpetrators. In this prevention and punishment drive, States will be in a position to develop their national laws and judicial systems and cooperate with other States in the prevention, investigation and prosecution for such crimes. However, on the other hand, Sierra Leone is deeply concerned that our debate is being blighted and our consciences scarred by the continuing perpetration of crimes against humanity with impunity.</p> <p>The onus is therefore on the Sixth Committee to take action. Owing to the working methods of the ILC and the symbiosis that exist with the Sixth Committee, Sierra Leone offered comprehensive substantive comments on the topic when invited to do so by the Commission on the adoption of the Draft Articles on first reading. In underscoring the independence of the ILC, we note the deference to the views of States by the Commission, and in particular the incorporation of some of our views in the Draft Articles on prevention and punishment of crimes against humanity and commentaries (contained in chapter IV of the report of the Commission A/74/10) on second reading. We further used the opportunity in the fall debate in the 74th session on the agenda item - the "Report of the International Law Commission on the work of its seventy-first session" to reflect 2 on areas where our views were not incorporated in the Draft Articles. Appreciating the Commission's method of work, my delegation takes this opportunity to pay tribute to the Special Rapporteur, Mr. Sean D. Murphy, and the Commission for the high-quality and timely work, which embodied the 'all embracing' inclusive approach mandated by the ILC Statute...In acknowledging the richness of the debate last fall, it is much apparent that the Sixth Committee is faced with two fundamental streams of thought. The first is understandably a follow through on the substantive comments and reflections by Member States on the Draft Articles. In our view, the debate on substantive matters can appropriately take place in intergovernmental negotiations, without prejudice to our Committee compiling the comments for future use in such negotiations. The second viewpoint critically spotlights the process question and the best possible path to give effect to the recommendation of the ILC. Sierra Leone believes the best use of our time, in the Sixth Committee, based on our working method, recent practice and time limitations, is to resume the suspended last session's negotiations on the modalities for the way forward. Given the broad support for the ILC's recommendation expressed by Member States, our Committee is now left with the important task to move forward and to define the timelines. We have tools in the Sixth Committee's toolbox, including establishing a subsidiary body (for example, a preparatory committee, an ad hoc working group of the whole, to state a few) to discuss modalities of the negotiations, such as the definition of the zero draft, adoption of the rules of procedure for an intergovernmental conference; and future proofing this with clear timeframe for the entire process. This is the structured approach which Sierra Leone will call upon the Sixth Committee to give serious consideration. In closing, Chair, Sierra Leone is mindful of the legal and moral obligations on States to strengthen the fight against impunity over crimes against humanity that 2 continues to horrify us today. We strongly urge the Sixth Committee to do for 'Crimes against humanity', what it did for genocide over 80 years ago. It is in this way States can better achieve the goal of enhancing the fights against impunity for the worst crimes condemned by international law.</p>	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/aGKIP9wA8Sa7_en.pdf
Singapore	Nathaniel Khng	Wed. Oct.14, 2020	<p>Singapore reiterates its appreciation to the International Law Commission for its work on this important topic. Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims. In this regard, the Commission's draft articles and commentaries can contribute to the strengthening of accountability by providing useful practical guidance to States on this topic. Mr Chair, 2 Singapore was amongst those delegations that submitted written comments to the Commission on this topic. Like others, we considered the draft articles very carefully, and made some suggestions on how they could be clarified or improved. We greatly appreciate the Commission's efforts to engage Member States. We do, however, remain of the view that the draft articles could be improved or clarified in the manner proposed in our written comments. To cite one example, Singapore had commented that draft article 7, paragraph 2, is intended to provide an additional treaty-based jurisdiction in respect of an alleged offender on the basis of presence alone when none of the other connecting factors are present. In other words, our understanding is that draft article 7, paragraph 2 only permits States to establish jurisdiction over crimes committed by a national of a State party and does not extend to establishing jurisdiction over nationals of non-States parties. We remain of the view that this should be expressly reflected in the text of this draft article.</p>	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatemnts.unmeetings.org/estatemnts/11_0060/20201014/s0rd8IGY3LCJ/HWSxFMSJIA56_en.pdf

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Slovakia	Mr. Peter NAGY	Wed. Oct.14, 2020	Slovakia wishes to repeat its appreciation for last year's outcome of the work of the International Law Commission on the topic Crimes against humanity. We are convinced that the set of 15 articles with commentaries present more than a solid basis for a new convention. It is our firm belief that significant part of the articles reflect customary international law, thus together with the remaining carefully drafted articles form a genuinely suitable outcome for immediate codification. Slovakia fully endorses the recommendation of the Commission to the General Assembly to proceed to the elaboration of convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the articles. We have a slight preference for the second option, since a diplomatic codification conference seems to be the more suitable forum. Having said that, we would like to address the potential overlap of the so-called MLA initiative with the draft articles. Despite the view of former Special Rapporteur, Slovakia believes these two initiatives are complementary. Moreover, the diplomatic conference would allow enough space for States to ensure the complementarity between them. For this reason, we strongly encourage other States not to use this argument as a bar to proceed to the elaboration of the convention on crimes against humanity on the basis of the ILC articles...It is our understanding that the ILC recommendation is widely supported. Therefore, we are open and willing to engage with all States to identify and establish a mechanism, based on a clear timeline and process, resulting in convening a diplomatic conference, thus allowing the predominant perception on this topic among States to materialize.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/sOrd8lGY3lCj/76w0pKyDH6za_en.pdf
Sudan	Dr. Elsadig Ali Sayed Ahmed	Wed. Oct.14, 2020	*** UNOFFICIAL TRANSLATION*** Broadly speaking, notwithstanding the tremendous efforts undertaken for the draft resolutions a large number of them were copied without alterations from other treaties and conventions which remain controversial. Other articles were altered, modified in terms of their meaning and this could lead to negative consequences under negotiations of this type of convention. In general we can state that this draft article cannot constitute a foundation for a convention, for a solid convention on this important matter where we all agree, namely the need to end impunity for crimes against humanity and war crimes. Sudan supports all legal efforts that will lead to achievement of justice and delivery of justice for victims, particularly those most vulnerable namely women and children, to provide them with protection to ensure that we safeguard the principle of combating impunity while ensuring that states fully have their right to implement their national jurisdiction and to refrain from moving towards other alternatives so long as those states are either incapable or do not wish to exercise their competence and pursue well defined criteria. In general we appreciate the submission of the draft articles to the 6th committee before observation and to consider the steps to take, however we believe that more time is necessary to study the draft articles before deciding on the procedure regarding them.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/sOrd8lGY3lCj/ShzFgIkWscob_ar.pdf
Sweden (on behalf of the nordic countries)	Statement	Wed. Oct.14, 2020	The draft articles adopted by the International Law Commission have significant potential for establishing a convention on crimes against humanity of great practical relevance to the international community. Among the three core international crimes only crimes against humanity lack a convention. The elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, would strengthen the international criminal justice system and could contribute to strengthening national laws and criminal jurisdiction in the fight against impunity for crimes against humanity. It would thus be an important addition to the international legal framework and promote inter-state cooperation and effective and efficient investigations of crimes against humanity. Mme/Mr Chair, The Sixth Committee has the opportunity to carry on the important work of the ILC by agreeing on an ambitious resolution providing efficient guidance on the way ahead. There is substantial support for the ILC recommendation to the General Assembly to elaborate a convention on the basis of the draft articles, either by the General Assembly itself or by an international conference of plenipotentiaries. This process must not be delayed. The Nordic countries continue to steadfastly support this work that is a timely and welcome contribution to the fight against impunity and stand ready to take the next steps.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/sOrd8lGY3lCj/vjTheQrkWmzY_en.pdf
Switzerland	M Vincent Rittener	Wed. Oct.14, 2020	Switzerland fully supports the International Law Commission's recommendation to draw up a convention on the basis of its draft articles. We consider the draft articles to be a solid foundation. Such a convention would fill a gap in the existing international legal framework. It would contain a definition of crimes against humanity and set out corresponding obligations, in particular in relation to enforcement and prevention at national level. It would thus reinforce the primary responsibility of states in this area. The convention would thereby contribute to the fight against impunity for the most serious crimes. This convention should be well integrated into the existing framework of international law. It is important that it be complementary to a possible general convention on mutual legal assistance in the prosecution of international crimes. This would require avoiding duplication and especially potential conflicts between the two conventions. Switzerland supports the International Law Commission's recommendation to start negotiations aimed at adopting a convention on crimes against humanity. We encourage all Member States to make constructive commitments in this regard to allow the Sixth Committee to follow up on this recommendation.	Explicitly favors a process to develop a convention	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201014/sOrd8lGY3lCj/ONVMtFvKgsd_fr.pdf
Turkey	The Republic of Turkey	Thurs. Oct.15, 2020	We believe that thorough consideration by States of each other's views concerning various aspects of the matter constitutes an important first step in the overall examination by the Sixth Committee of the Commission's recommendation. This is why Turkey supported last year the proposal to request States to provide written views, and suggested that States be invited to consider the Commission's recommendation in view of the draft articles themselves as well as the comments of Member States. We hope that this will be possible in the period ahead. Mr. Chair, Similar to the potentially adverse effects of a lack of unity in how we approach this matter, duplication and divergence of actions could also risk undermining the impact of any steps that Member States may take within and outside the United Nations, as well as the efforts to ensure efficiency and harmonization in the work of this organization. This was also referred to by the Special Rapporteur himself in his last report on the topic. Turkey was among those delegations that shared comments in the previous stages of this topic, and we look forward to continuing consideration of this matter and the recommendation before us, based on a comprehensive understanding of States' views, as well as of the status and possible outcome of other initiatives that aim to reach similar goals.	Opposes a process to develop a convention at this time	https://estatemnts.unmeetings.org/estatemnts/11.0060/20201015/EbLAbXuamu/aLFHwvPhEN8_en.pdf

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United Kingdom of Great Britain and Northern Ireland	n/a	Wed. Oct.14, 2020	The United Kingdom is grateful for this important work, which has provided an opportunity for States to work together to tackle a lacuna in the fight against the most serious crimes. We believe that, in broad terms, the provisions of the draft Articles on the substantive definitions of the crimes are well-founded in State practice and opinion iuris, as demonstrated in relevant treaties (notably the Rome Statute of the ICC), in national legislation and in judicial decisions. As we have said before, the United Kingdom also specifically commends the ILC for improvements made to the draft Articles, including making the wording of the draft Articles more inclusive by removing the definition of "gender". The United Kingdom supports the Commission's recommendation for States to elaborate the draft articles into a convention in the UN General Assembly or at a diplomatic conference. We believe there is a sufficient consensus around the core provisions of the draft articles to suggest that a Convention on this subject could successfully be negotiated. We firmly believe that such a convention could be a powerful legal tool to promote the accountability of perpetrators of atrocity crimes. We were disappointed it was not possible to agree on how to take this forward at the Sixth Committee's last meeting. The United Kingdom would welcome the Committee agreeing a concrete timetable or the opening of negotiations on such a convention.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatemnts/11.0060/20201014/s0rd8lGY3LCj/w1owoa7CPTDu_en.pdf
Venezuela	Delegation of the Republic Bolivariana of Venezuela	Wed. Oct.14, 2020	*** UNOFFICIAL TRANSLATION *** The Bolivarian Republic of Venezuela ... considers that the draft articles presented by the International Law Commission provide a good basis for the elaboration of a future Convention on the Prevention and Punishment of Crimes against Humanity, ... Our country is committed, both in its national legislation and in practice, to the respect and protection of all human rights and fundamental freedoms. ... We conclude our intervention by calling on the responsible members of the international community to redouble their efforts to guarantee that there is no impunity for the perpetration of crimes as heinous as those against humanity, as well as to strengthen cooperation in this matter, in order to continue to consolidate the achievements made in the field of international criminal justice and, eventually, achieve the proscription of these crimes as a peremptory norm of international law. However, this will only be possible when the double standards and the politicization of human rights are put to an end once and for all, which are recurrently instrumentalized to advance dark interests, including neocolonial agendas that bet in favor of destabilization plans to promote, even by force, unconstitutional changes of government.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatemnts/11.0060/20201014/s0rd8lGY3LCj/4sPwQR4m6E28_es.pdf

SUMMARY TABLE		
State & Entities Commenting and/or Joining a Statement	47	
Explicitly favors a process to develop a convention	29	62%
Takes no explicit view on a process (positive and/or constructive comments on the text)	6	13%
Takes no explicit view on a process (neutral)	0	0%
Opposes a process to develop a convention at this time	11	23%
Opposes a convention	1	2%